

**MINUTES**

**OF THE**

**ORDINARY MEETING OF THE COUNCIL**

**6.30PM TUESDAY, 21 APRIL 2020**

**Held electronically in accordance with Regulation 14D(2)(a) of the  
Local Government (Administration) Regulations 1996.**

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings, the public were unable physically attend this meeting. To be considered open to the public, this meeting was publically broadcast to the community and the minutes and the audio recording of the meeting will be available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*

**DISCLAIMER**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records.

The Audio Recording will be available within 10 days of the meeting and may be accessed at [www.melvillecity.com.au/agendas](http://www.melvillecity.com.au/agendas) in accordance with the provisions of the Policy.

## **CONTENTS PAGE**

	<b>Item Description</b>	<b>Page Number</b>
<b>ITEMS FROM THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING 9 MARCH 2020</b>		
<b>C20/6175</b>	Motions from the Annual General Meeting of Electors 3 February 2020 – Insurance Services	8
<b>ITEMS BROUGHT FORWARD CORPORATE SERVICES</b>		
<b>C20/6000</b>	Investment Statements February 2020	18
<b>C20/6001</b>	Schedule of Accounts Paid	25
<b>C20/6002</b>	Statement of Financial Activity for February 2020	29
<b>C20/5745</b>	Amendment to the Trust Deed – Local Government House	36
<b>C20/6176</b>	Melville Community Stimulus Package (withdrawn from agenda and dealt with at Special of Council held 9 April 2020)	41
<b>URBAN PLANNING</b>		
<b>P20/3845</b>	City of South Perth Proposed Modifications to the Canning Bridge Activity Centre Plan	42
<b>P20/3848</b>	Progress on Local Planning Policy – Canning Bridge Activity Centre	54
<b>TECHNICAL SERVICES</b>		
<b>T20/3844</b>	Long Term Cycling Network – City of Melville	61
<b>COMMUNITY DEVELOPMENT</b>		
<b>Nil</b>		
<b>MANAGEMENT SERVICES</b>		
<b>M20/5000</b>	Common Seal Register	66
<b>M20/5734</b>	Annual General Meeting of Electors Motions Carried	70
<b>M20/5744</b>	Review of Council Policy CP-096 Naming of Road, Parks, Buildings & Infrastructure	88
<b>LATE ITEM</b>		
<b>P20/3840</b>	Review of Local Planning Policy 1.1 'Planning Process and Decision Making'	92
<b>MOTIONS WITH NOTICE</b>		
<b>16.1</b>	On-Street Parking for New Developments: Clause 2.2 of the City of Melville Car Parking Strategy (2014)	103
<b>16.2</b>	Notification of Council Motion C20/6176	105
<b>CONFIDENTIAL ITEMS</b>		
<b>P20/3846</b>	Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road Mount Pleasant	106
<b>M20/5743</b>	Point Walter Golf Course Agreement	106

## 1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:34pm. Mr B Taylor, Manager Governance and Property, read aloud the Disclaimer that is on the front page of these Minutes and then Mayor, Honourable George Gear, read aloud the following Affirmation of Civic Duty and Responsibility.

### Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

Mayor Honourable George Gear conducted a roll call at the commencement of the meeting and confirmed the following Elected Members were in attendance for the electronic meeting.

## 2. PRESENT

Mayor Honourable G Gear

### COUNCILLORS

Cr N Pazolli (Deputy Mayor)  
 Cr S Kepert  
 Cr D Macphail, Cr N Robins  
 Cr C Robartson, Cr M Woodall  
 Cr G Barber, Cr J Barton  
 Cr K Mair, Cr M Sandford  
 Cr T Fitzgerald (*from 6.35pm*)  
 Cr K Wheatland

### WARD

Applecross – Mount Pleasant  
 Applecross – Mount Pleasant  
 Bateman – Kardinya - Murdoch  
 Bull Creek - Leeming  
 Bicton – Attadale – Alfred Cove  
 Central  
 Palmyra – Melville - Willagee  
 Palmyra – Melville - Willagee

## 3. IN ATTENDANCE

Mr M Tieleman  
 Mr M McCarthy  
 Mr A Ferris  
 Ms C Young  
 Mr S Cope  
 Mr L Hitchcock  
 Ms K Brosztl (*until 9:10pm*)  
 Mr J Rae  
 Mr B Taylor  
 Ms C Newman  
 Mr M Tye  
 Ms J Head  
 Ms T Wright

Chief Executive Officer  
 Director Technical Services  
 Director Corporate Services  
 Director Community Development (*electronic attendance*)  
 Director Urban Planning  
 Executive Manager Governance and Legal Services  
 Manager Engineering (*electronic attendance*)  
 Strategic Land & Property Executive  
 Manager Governance and Property  
 Governance Coordinator  
 Casual Project Support Officer  
 Governance Officer  
 Governance Officer

At the commencement of the meeting, there were 9 members of the public and one representative from the Press in attendance electronically.

**4. APOLOGIES AND APPROVED LEAVE OF ABSENCE****4.1 APOLOGIES**

Nil.

**4.2 APPROVED LEAVE OF ABSENCE**

Nil.

**5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS****5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

**5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.**

Nil.

**6. QUESTION TIME****6.1 Questions Received with Notice**

Nil.

**6.2 Questions Received without Notice**

Nil.

**6.3 Questions Taken on Notice****17 March 2020 Ordinary Meeting of Council****6.3.1 T Yoshino, Melville**

T20/3842 Technical Services Policy Review-CP034 Road Safety Audit Policy

Question 1

*In the interest of transparency and to demonstrate its commitment to Road Safety will the City of Melville please provide on its website a register of Road Safety Audits undertaken by or for the City in compliance with Road Safety Audit Policy CP-034?*

Response

There is already a register of audits undertaken by accredited auditors in Western Australia. This can be found at:

<https://www.road-safety-audit-wa.org/submissions.html>

It is possible to search audits under Local Government Authority and by road name. This can be used by the public to check where audits have been undertaken. A link to the site can be placed on the City's website.

**7. AWARDS AND PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 17 MARCH 2020**  
**Minutes 17 March 2020****COUNCIL RESOLUTION**

At 6:39pm Cr Wheatland moved, seconded Cr Robins–

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 17 March 2020, be confirmed as a true and accurate record.**

At 6:40pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 7 APRIL 2020**  
**Notes 7 April 2020****COUNCIL RESOLUTION**

At 6:40pm Cr Sandford moved, seconded Cr Barton –

**That the Notes of Agenda Briefing Forum held on Tuesday, 7 April 2020, be received.**

At 6:40pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.3 SPECIAL MEETING OF THE COUNCIL – 8 APRIL 2020**  
**Minutes 8 April 2020****COUNCIL RESOLUTION**

At 6:40pm Cr Wheatland moved, seconded Cr Robartson –

**That the Minutes of the Special Meeting of the Council held on Wednesday 8 April 2020, be confirmed as a true and accurate record.**

At 6:40pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.4 SPECIAL MEETING OF THE COUNCIL – 9 APRIL 2020**  
**Minutes 9 April 2020****COUNCIL RESOLUTION**

At 6:40pm Cr Sandford moved, seconded Cr Barton –

**That the Minutes of the Special Meeting of the Council held on Thursday 9 April 2020, be confirmed as a true and accurate record.**

At 6:41pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**9. DECLARATIONS OF INTEREST****9.1 FINANCIAL INTERESTS**

- Cr Mair – Item P20/3845 – City of South Perth Proposed Modifications to the Canning Bridge Activity Centre Plan. Financial Interest.
- Cr Mair – Item P20/3848 – Progress on Local Planning Policy – Canning Bridge Activity Centre Plan. Financial Interest.

**9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

- Cr Barber – Item M20/5734 – Annual General Meeting of Electors. Interest under the Code of Conduct.
- Cr Barton – Item M20/5734 – Annual General Meeting of Electors. Interest under the Code of Conduct.
- Cr Fitzgerald – Item M20/5734 – Annual General Meeting of Electors. Interest Under the Code of Conduct
- Cr Macphail – Item M20/5734 – Annual General Meeting of Electors. Interest under the Code of Conduct.
- Cr Mair – Item M20/5734 – Annual General Meeting of Electors. Interest under the Code of Conduct.
- Cr Sandford – Item M20/5734 – Annual General Meeting of Electors. Interest under the Code of Conduct.
- Cr Barton – Item P20/3848 – Progress on Local Planning Policy – Canning Bridge Activity Centre Plan – Bonus Building Heights
- Cr Wheatland - Item T20/3844 – Long Term Cycling Network – City of Melville. Interest Under the Code of Conduct.
- Mr S Cope – Motion With Notice 16.1 – On-Street Parking for New Developments: Clause 2.2 of the City of Melville Car Parking Strategy (2014). Interest under the Code of Conduct

**COUNCIL RESOLUTION****APPROVAL**

At 6:45pm Cr Mair moved, seconded Cr Kepert –

**That the Council suspend the definition of “deputation” in clause 1.6 and clause 7.10 of the *City of Melville Meeting Procedures Local Law 2017* for the purpose of accepting deputations by electronic submission.**

At 6:45pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**10. DEPUTATIONS****10.1 Mr M FitzGibbon of Melville**

Motion with Notice 16.1 – On-street Parking for New Developments: Clause 2.2 of the City of Melville Car Parking Strategy (2014)

**11. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil.

**12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

That the meeting be closed to members of the public, if required, to allow for items deemed confidential in accordance with Sections 5.23 (c) and (e) of the *Local Government Act 1995* to be discussed behind closed doors.

- Item P20/3846 – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road Mount Pleasant; and
- Item M20/5743 – Point Walter Golf Course Agreement

**13. PETITIONS**

Nil.

**14.1. ITEMS FROM THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING 9 MARCH 2020**

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS 3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Insurance  
 Customer Index : Local Government Insurance Services (LGIS)  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Alan Ferris  
 Director Corporate Services

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the Annual General Meeting of Electors (AGM) that was held Monday 3 February 2020, four motions were carried, one of which related to the current insurance service provided by LGIS
- The Minutes of the AGM meeting were presented and confirmed at the February 2020 Ordinary Meeting of Council.
- This report considers the motion from the electors meeting and provides information relating to insurance services and the appointment of LGIS.
- The Financial Management, Audit, Risk and Compliance Committee considered this report at its meeting held 9 March 2020.
- It is recommended that a further report be presented to the Financial Management, Audit, Risk and Compliance Committee in November 2020.

**BACKGROUND**

The motion from the Annual General Meeting of Electors that was supported, relating to insurance services was.

**MOTION 2****Council:**

- a) **directs the Chief Executive Officer to competitively market test the City's current insurance services supplier, LGISWA the WALGA appointed insurance scheme manager, by seeking proposals from a range of competing insurance companies; and**
- b) **participates in the assessment and selection of the supplier that offers the best value for money for the benefit of residents and ratepayers of the City**

The Council will consider Item M20/5734 – Annual General Meeting of Electors held 3 February 2020 – Motions Carried on 17 March 2020, which includes the following Officer Recommendation:

1. **That Motion 2 carried at the Annual General Meeting of Electors held 3 February 2020, relating to insurance services, be noted and,**
2. **That the 9 March 2020 Financial Management Audit, Risk and Compliance Committee Meeting recommendation relating to the provision of insurance services be considered by the Council at the 17 March 2020 Council Meeting.**

This matter was considered by the Financial Management Audit, Risk and Compliance Committee at its 9 March 2020 meeting.

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)****DETAIL****What Local Government Insurance Scheme (LGIS) is?**

LGIS is a WA Local Government group self-insurance scheme ( the Scheme), supplemented by a niche broking service for the WA local government sector, which all Western Australian Local Government Association (WALGA) member councils have chosen to be part of.

The Scheme was created by the collaboration of local governments across WA, facilitated by WALGA. Its stated purpose is to help WA local governments build better communities by containing costs, providing the best cover and helping them manage risks, through a member-owned mutual insurance model. The creation of the scheme came from a call for help from WA local governments to WALGA when, on repeated occasions, the insurance they needed became unaffordable or unavailable. From this, an alternative to traditional insurance was created. The scheme is jointly owned by local governments across WA.

Unlike traditional insurance, the Scheme is an alternative risk financing arrangement, established under a Trust Deed (by WALGA), allowing like-minded organisations to pool together, protecting their risks. The trust arrangement means that it is jointly owned by all the participating local governments across WA, who, instead of paying insurance premiums, annually pay a membership contribution to a Member to a discretionary trust held for their benefit.

The complementary LGIS Insurance Broking service is a joint venture of WALGA and JLT Public Sector, for minor insurances that fall outside the remit of the Scheme, and to procure catastrophe reinsurance for the Scheme.

The following outlines the governance of LGIS, the relationship of LGIS with WALGA, clarification on what is a pooled scheme, benefits of a pooled scheme, LGIS knowledge of the local government sector, and the experience of other councils.

**Governance of LGIS**

The LGIS scheme is governed by a Board of nine directors appointed by WALGA in accordance with the Trust Deed.

The LGIS Board comprises two elected members from the member councils, two executive staff from the member councils, three independent directors who are selected based on a particular expert skill or specialty, and the President and CEO of WALGA. The Board operates under a corporate governance charter based on Australian Institute of Company Directors models.

The role of the LGIS Board is to provide overall strategic direction and take governance responsibility for achieving the objectives and interests of the scheme and its members.

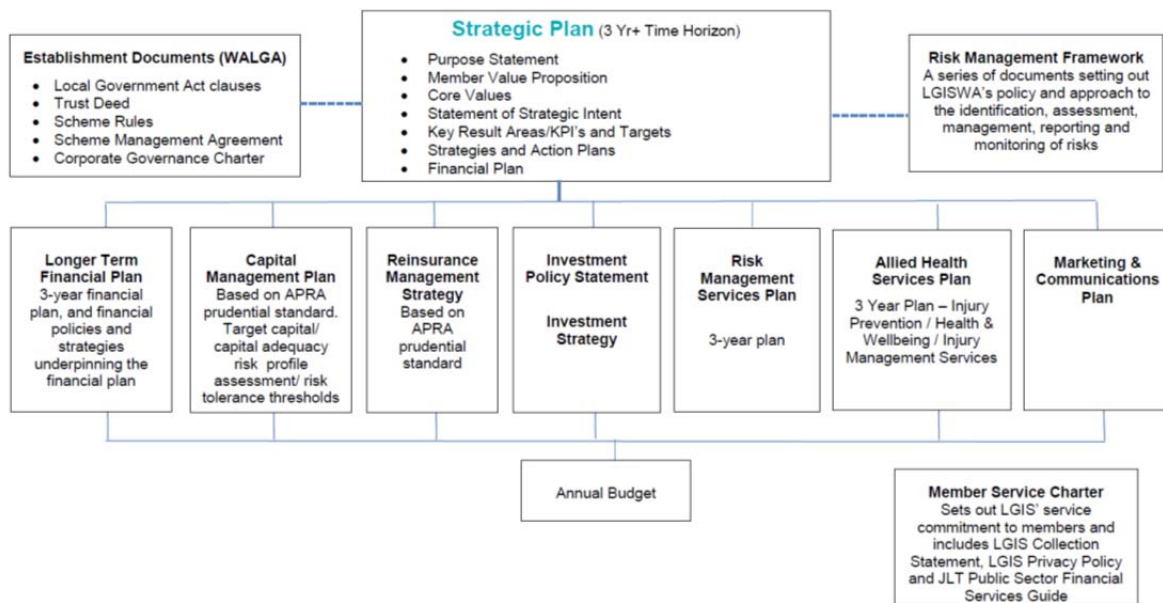
**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**

In addition, LGIS has rigorous processes of external audit (Ernst & Young), internal audit (Crowe Horwath), actuarial review (PriceWaterhouse Coopers) and investment advisory (Mercer) as well as regular processes of review of scheme and scheme manager performance against key performance indicators, strategic and operational plans, corporate governance systems and member survey findings. Further detail is in the LGISWA Annual Report to members.

[6175 LGISWA Annual Report 2019](#)

[6175 Protecting your Community](#)

The chart below illustrates the LGIS Scheme’s strategic framework which is in place to ensure good governance.



**Relationship of LGIS with WALGA**

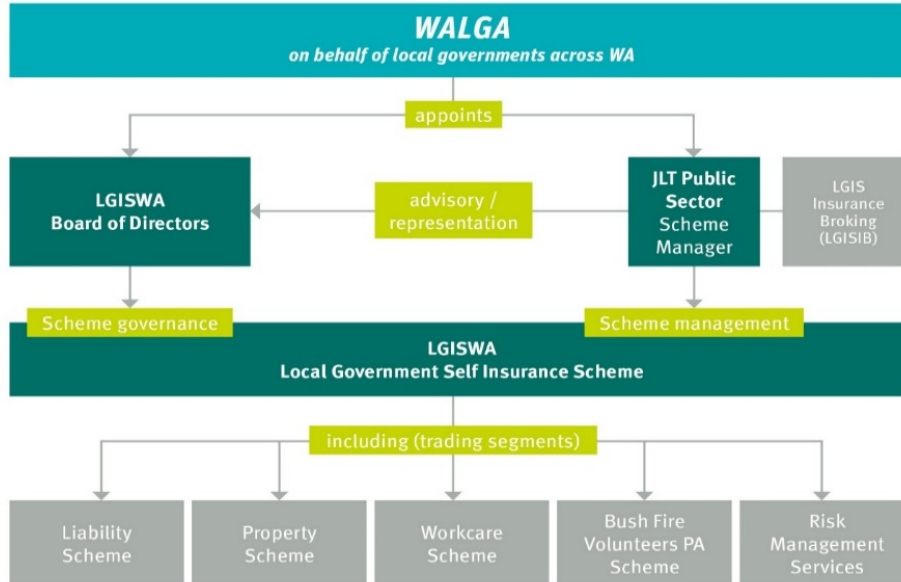
WALGA created LGIS at the behest of its member Councils, as mentioned above.

WALGA partners with JLT Public Sector, which is a part of the Marsh group of companies, for the running of LGIS, and has appointed an LGIS Board of Directors, the majority of whom are local government representatives, to oversee the corporate governance of the scheme.

As an insurance broker, JLT Public Sector trades as LGIS Insurance Broking (LGISIB), which is the trading name of the joint venture in place between JLT Public Sector and WALGA under which JLT Public Sector is the appointed broker for WALGA local government members for insurances they need which are beyond the remit of the Scheme.

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**

The diagram below illustrates the relationship between WALGA, JLT Public Sector and LGIS.



**What is a pooled scheme?**

Unlike commercial insurance companies, a pooled, or mutual, scheme is owned by its members as opposed to shareholders. Consequently, the principal priority of a mutual is to serve the interests of its members without the pressure of taking risks to boost short-term profits. Without any shareholders to pay, profits can be returned to members as reduced premiums, through dividend payments, and through enhanced insurance coverage and associated services.

Not being controlled by outside investors also means that a mutual can make discretionary payments to members if it deems it appropriate as opposed to strictly abiding by the small print of a commercial insurance contract.

**Benefits of pooled scheme**

Some of the benefits of Western Australian local governments working together in a pooled scheme include:

- Members' costs of cover reduce by working together to mutually share the cost of risk
- The pooled scheme model provides stable costs of cover and eliminates the volatilities driven by cyclical hard or soft insurance market conditions across the globe.
- By sharing the cost of risk across the WA local government sector, individual councils who are struck by significant loss events do not face the penalties of withdrawal of cover or renewal costs becoming prohibitive.

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**

- The model features the integration of a broad range of complimentary risk management programs and services which are focused on claims/events that can force up the costs of cover.
- As well as supporting the scheme members in mitigating and preventing the impact of claims, the LGIS risk management services support good corporate governance ensuring a safer workplace and community.
- It enables local governments to obtain cover for risks for which they are unable to buy insurance from the commercial insurance market (e.g. statutory personal injury cover for bushfire volunteers).
- Claims are managed by a local team of specialists who know WA local government. They have decision-making power to provide quick resolutions and claims are assessed, adjusted and determined in WA.
- Investment earnings retained in the members' fund and profits reinvested into the WA local government sector and distributed to member local governments; not into the pockets of insurance company shareholders.

**LGISWA knowledge of Local Government Sector**

The risk financing and risk management support programs developed by LGIS for the WA local government sector today have been over 25 years in the making.

The benefits of mutuality are best demonstrated when there is a common bond between a mutual's members. A mutual that specialises in a particular trade or affinity group (e.g. WA local government) will also more easily understand its member's unique needs and be better placed to make changes to its policies as its member's needs change.

LGIS has a dedicated team of over 65 staff based in Perth, plus six in regional WA, which specialise solely on servicing the needs of the WA local government sector.

The longstanding relationship LGIS has with WA local government has enabled it to understand the sector's evolving needs and tailor innovative solutions to meet these requirements.

It has specifically designed limits and cover to properly reflect WA local governments risk exposures, that cannot be replicated.

Recent examples of enhancements to the Scheme protection in response to emerging issues for WA local governments include:

- Extension of personal injury cover for bushfire volunteers in accordance with recent legislative changes enacted by the State Government;
- Protection to respond to liability arising from the certification of buildings with combustible cladding;
- Pollution legal liability protection for all Scheme members;
- Property cover extending to costs to costs and loss of income incurred as a result of the City using any of its facilities as an emergency evacuation centre under the State Emergency Management Act 2005.

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**

Drawing from LGIS' depth of knowledge of WA local government, and the relationships forged with the people involved, LGIS develops an integrated service plan with each member council that is tailored to the City's needs. The Plan sets out key services and how they respond to the City's key risk priorities, including risk management, risk financing through Scheme and non-Scheme covers, claims and loss management, allied health services and strategy review.

**Other Council tender examples (ie who has recently tendered and experience)**

In recent years, during a short-lived "soft" cycle in commercial insurance markets, eastern-states based procurement consultants encouraged a number of WA local governments, for a fee, to "test the market" for possible cheaper insurance.

Those procurement consultants developed tender specifications which did not provide for like-for-like comparison against the suite of benefits of LGISWA Scheme membership, and led some councils into becoming under-insured through restrictive limits of cover, policy exclusions and high deductibles. In many cases the tender specifications ruled out membership of a discretionary mutual scheme as a compliant tender for comparison.

Fifteen local governments that went through this process between March 2017 and May 2019 concluded that LGIS membership provided better value for money. Most of these achieved cost reductions that year, but contrary to the assertions of some parties, these savings were not "specials" for councils which went to tender, but were in fact savings shared across the entire LGIS Scheme membership as a result of distributions of surpluses resulting from low claims costs and high investment returns, along with reduced reinsurance costs during the soft global insurance cycle.

LGIS membership contributions are calculated by the application of consistent rating models across the sector.

A small number, notably the City of Kalamunda, Shire of Wiluna and Shire of Coolgardie, did, however, accept alternative proposals. All three have since cancelled the commercial insurance and returned to LGIS, having experienced deficiencies in value, cover and service.

The City of Kalamunda, for example, returned to LGIS after less than two years, having been facing a 34% (\$101,000) workers compensation premium increase from the previous year. Returning to LGIS delivered a \$93,000 saving from remaining where they were.

For the Shire of Wiluna, the total investment required for 2019/20 LGIS membership was 22% (\$49,000) lower than if they had stayed with the commercial insurance market.

The Shire of Coolgardie returned to LGIS for their full programme after facing a 22% increase from the previous year's insurance costs through the commercial market.

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**

Kalamunda and Wiluna, as local governments with responsibility for volunteer bushfire brigades, were also in breach of the insurance requirements of the *Bush Fires Act 1954* and the *Fire and Emergency Services Act 1988* from when they withdrew from LGIS until the day they returned, as the commercial insurance market did not offer cover that meets the full statutory requirements.

The above is testament to the enduring value of the local government self-insurance scheme in delivering sustainable, tailored protection and risk services for the WA local government sector.

**Insurance Premiums over the last five years**

The insurance premiums and rebates over the last five years are attached. For 2019/20 the gross insurance contribution paid was \$1,359,183 with a rebate of \$361,681 received resulting in a net cost to the City of \$997,502.

When you compare the figures over the last five years the gross contribution has decreased by 26%. The Insurance Premiums Comparison was distributed to Elected Members on Friday 13 March 2020 under confidential cover.

It is also noted that the four largest insurance contributions relate to workers compensation, property, public liability and motor vehicles. The motor vehicle contribution is a non-scheme insurance which is competitively market tested.

**2020-2021 Insurance Renewal Process**

The City has commenced the renewal process for the 2020-2021 financial year. If the City decides to tender for all or components of the City's insurance, it would require approximately three to six months depending on which option. Given this any decision to tender should be for the 2021-2022 year. This would allow sufficient time for the FMARCC to receive a presentation from LGISWA and then to fully consider the insurance options for the following financial year.

The Financial Management, Audit, Risk and Compliance Committee considered this report at its meeting held 9 March 2020, as resolved the following:

**“That the Financial Management, Audit, Risk and Compliance Committee:**

- 1. note the information in this report.**
- 2. note that the 2020-2021 insurance renewal process is already underway and that there will be insufficient time to conduct a tender or put in place alternative arrangements for the 2020-2021 year insurance requirements of the City.**
- 3. recommends that the Council request a report on the quality of coverage and the competitiveness of the cost of insurance providers for the 2021/2022 financial year and to report back to a future meeting of the Financial Management, Audit, Risk and Compliance Committee.”**

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No external engagement has been carried out.

**II. OTHER AGENCIES / CONSULTANTS**

Consultation was undertaken with LGIS in order to obtain information on the scheme.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory or legal implications arising from this report.

**FINANCIAL IMPLICATIONS**

Insurance is a significant annual cost to the City and is actively managed in order to reduce the insurance contributions.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The City is committed to actively managing all aspects of the business in order to minimise risk, provide a safe work environment.

**POLICY IMPLICATIONS**

There are no policy implications

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternative options have been provide for this report.

**C20/6175 – MOTION FROM THE ANNUAL GENERAL MEETING OF ELECTORS  
3 FEBRUARY 2020 – INSURANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)****CONCLUSION**

Insurance is a significant annual cost to the City and the LGISWA scheme assists the City in managing key risks. There are three insurance policies with significant contributions being workers compensation, property, public liability that could be market tested by the City. The market testing could be considered for the 2021-2022 year to allow sufficient time for a presentation by LGISWA on the scheme and for a further options paper to be considered by the FMARCC at its 9 November 2020.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (6175) APPROVAL**

At 6:49pm Cr Macphail moved, seconded Cr Wheatland –

**That the Council:**

- 1. notes the information in this report.**
- 2. notes that the 2020-2021 insurance renewal process is already underway and that there will be insufficient time to conduct a tender or put in place alternative arrangements for the 2020-2021 year insurance requirements of the City.**
- 3. directs the Chief Executive Officer to prepare a report, comparing the quality of coverage and the competitiveness of the cost of insurance providers for the 2021/2022 financial year, to be presented to the 9 November 2020 Financial Management, Audit, Risk and Compliance Committee.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER**

**C20/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2020 (REC)**

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statements and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Debbie Whyte – Manager Financial Services

**AUTHORITY / DISCRETION**  
**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 29 February 2020 for the Council's information and noting.

**C20/6000 - INVESTMENT STATEMENTS FOR 29 FEBRUARY 2020 (REC)**

**BACKGROUND**

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

**DETAIL**

The following statement details the investments held by the City as at 29 February 2020.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 29 FEBRUARY 2020</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$7,939,348
Reserve		\$191,482,319
Trust		\$-
Citizen Relief		\$219,651
<b>TOTAL</b>		<b>\$199,641,317</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$4,145,673
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$170,720,473
Units (Local Govt Hse)		\$175,171
<b>TOTAL</b>		<b>\$199,641,317</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$121,966,146
A Category (A+ to A-)	A+	\$45,500,000
	A	
	A-	\$2,000,000
BBB+ Category	BBB+	\$30,000,000
Units (Local Government House)		\$175,171
<b>TOTAL</b>		<b>\$199,641,317</b>

**C20/6000 - INVESTMENT STATEMENTS FOR 29 FEBRUARY 2020 (REC)**

Exposure to an individual institution is limited according to Council policy and in February 2020 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 6,000,000	3.01%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	25.00%	✓
Bankwest	AA-	AA Category	\$ 3,000,000	1.50%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 27,000,000	13.52%	15.00%	✓
ING Bank	A-	A Category	\$ 2,000,000	1.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 3,000,000	1.50%	15.00%	✓
CBA	AA-	AA Category	\$ 6,500,000	3.26%	30.00%	✓
Macquarie	A+	A Category	\$ 3,000,000	1.50%	25.00%	✓
NAB	AA-	AA Category	\$ 48,724,586	24.41%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 41,500,000	20.79%	25.00%	✓
Westpac	AA-	AA Category	\$ 58,741,560	29.42%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.09%	100.00%	✓
<b>TOTAL</b>			<b>\$ 199,641,317</b>	<b>100%</b>		

\*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

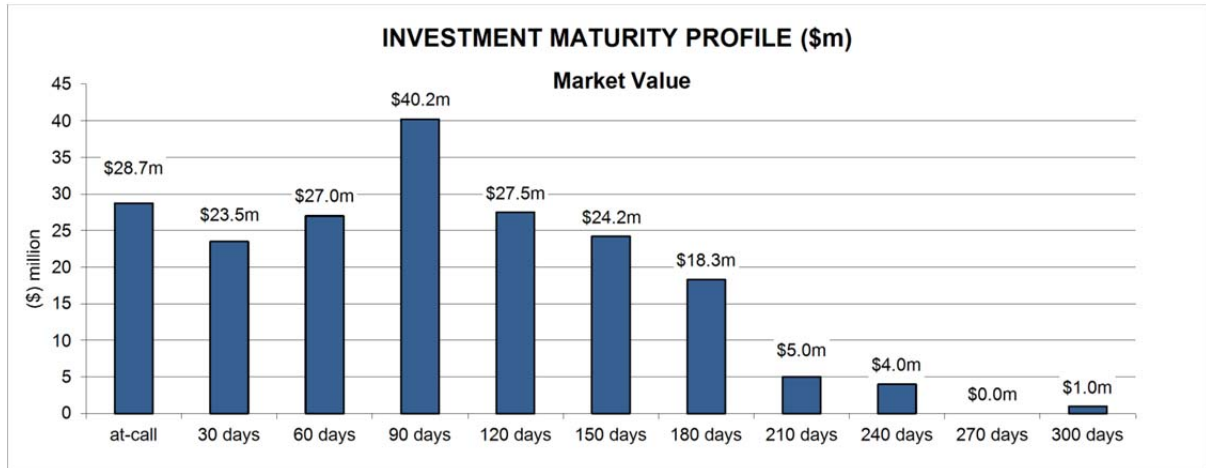
The City's investments were invested within the limits allowed within each category rating for February 2020.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 121,966,146	61%	80%	✓
A Category (A+ to A-)	\$ 47,500,000	24%	50%	✓
BBB+ Category	\$ 30,000,000	15%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
<b>TOTAL</b>	<b>\$ 199,641,317</b>	<b>100%</b>		

\*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

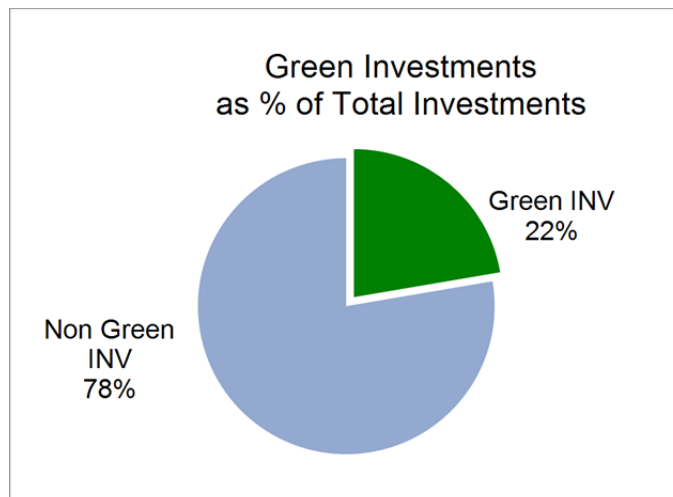
**C20/6000 - INVESTMENT STATEMENTS FOR 29 FEBRUARY 2020 (REC)**

The below graph summarises the maturity profile of the City’s investments at market value as at 29 February 2020. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 29 February 2020 was \$44,500,000 or 22% of total investment holdings being in non-fossil fuels institutions, compared to \$44,500,000 (22%) in January 2020. The total investments holding for February and January were \$199,641,317 and \$203,941,317 respectively.



**C20/6000 - INVESTMENT STATEMENTS FOR 29 FEBRUARY 2020 (REC)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

This report is available to the public on the City's web-site.

**II. OTHER AGENCIES / CONSULTANTS**

A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI's) were engaged with during the course of the month in respect to the placement and renewal of investments.

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversighted by the Australian Prudential Regulation Authority (APRA).

Effective from 13 May 2017 the *Local Government (Financial Management) Regulations 1996* were amended (regulation 19C) to allow local governments to deposit funds for a fixed term of three years or less. The regulation previously only allowed for deposits of 12 months or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

**FINANCIAL IMPLICATIONS**

For the period ending 29 February 2020:

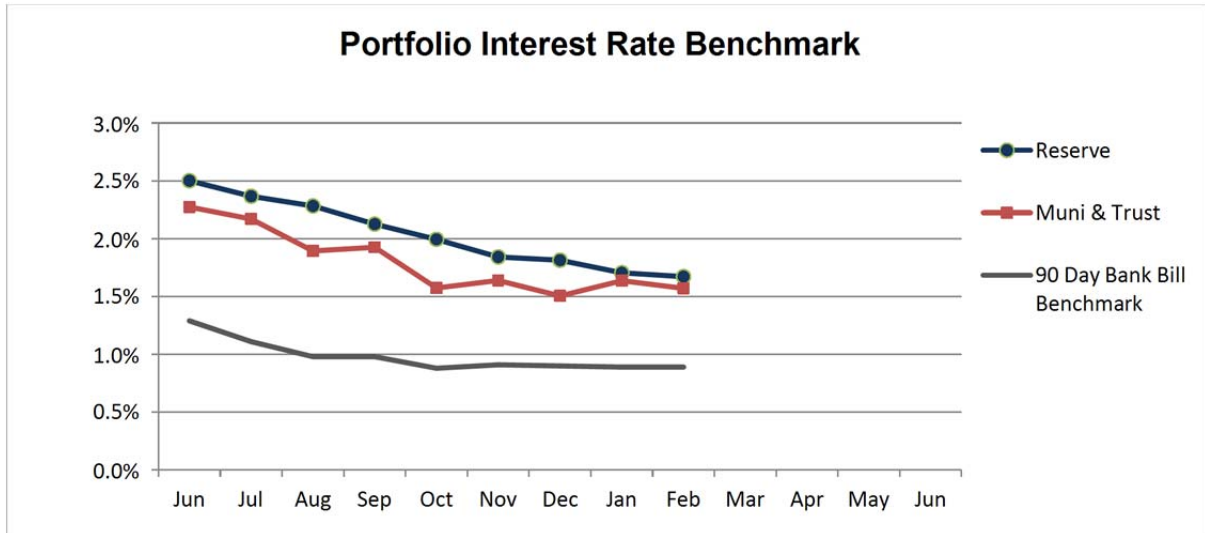
- Investment earnings on Municipal and Trust Funds were \$223,332 against a year to date budget of \$496,667 representing a negative variance of \$273,335.

The weighted average interest rate for Municipal and Trust Fund investments as at 29 February 2020 was 1.57% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.89%.

- Investment earnings on Reserve accounts were \$2,474,349 against a year to date budget of \$2,066,667 representing a positive variance of \$407,682. The variance is a result of planned Capital Projects being deferred resulting in larger reserve balances than anticipated.

**C20/6000 - INVESTMENT STATEMENTS FOR 29 FEBRUARY 2020 (REC)**

The weighted average interest rate for Reserve account investments as at 29 February 2020 was 1.67% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.89%.



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

**Strategic**

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2016-2020.

Priority Number One – “Restricted current revenue base and increasing/changing service demands impacts on rates”.

**Risk**

The Council’s Investment of Funds Policy CP-009 was drafted so as to minimise credit risk through investing in highly rated securities and diversification. The Policy also incorporates mechanisms that protect the City’s investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

**C20/6000 - INVESTMENT STATEMENTS FOR 29 FEBRUARY 2020 (REC)****Environmental**

When investing the City's funds, a deliberative preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will however, only be exercised after the foremost investment considerations of credit rating, risk diversification and interest rate return are fully satisfied.

**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds provides guidelines with respect to the investment of City of Melville (the City) funds by defining levels of risk considered prudent for public monies. Liquidity requirements are determined to ensure the funds are available as and when required and take account of appropriate benchmarks for rates of return commensurate with the low levels of risk and liquidity requirements. The types of investments that the City has the power to invest in is limited by prescriptive legislative provisions governed by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Part III of the *Trustees Act 1962*.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report only presents information for noting.

**CONCLUSION**

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 1.57% to 1.67% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.89%.

22% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 22% in January 2020.

Future investment earnings will be determined by the cash flows of the City and movements in interest rates on term deposits.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)****NOTING**

At 6:50pm Cr Mair moved, seconded Cr Wheatland –

**That the Council notes the Investment Report for the period ending 29 February 2020.**

At 6:50pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2020 (REC)**  
**(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Financial Statement and Investments  
 Customer Index : Not applicable  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Standard Item  
 Works Programme : Not Applicable  
 Funding : Annual Budget  
 Responsible Officer : Debbie Whyte – Manager Financial Services

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that September be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	<b>Information</b>	<b>For the Council/Committee to note.</b>

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the period of February 2020 and recommends that the Schedule of Accounts Paid be noted.

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2020 (REC)**  
**(ATTACHMENT)**

**BACKGROUND**

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council.

The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

**DETAIL**

The Schedule of Accounts Paid for February including Payment Register numbers, Cheques: 744-745, Electronic Funds Transfers batches: 627-630, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 3 April 2020.

The below table details the Summary of Payments Made for the period:

<b>SCHEDULE OF PAYMENTS MADE</b>		
<b>FEBRUARY 2020</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b><i>Cheques</i></b>	Chq Payment Register No. 744 to 745	\$46,265.54
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Cheques	(\$2,160.56)
<b><i>Electronic Funds Transfers</i></b>	EFT Payment Register No. 627,628,629 and 630	\$6,585,413.86
	EFT Payment on Restricted Funds Register No.101, 622 and 624	\$121,412.73
	Less Cancelled EFTs	(\$701.09)
		<b>\$6,750,230.48</b>
<b><i>Direct Debits</i></b>	Bank Fees	\$17,477.70
	Caltex Fuel	\$87,270.97
<b><i>Direct Payments</i></b>		\$741.84
	<b>Total Direct Creditor Payments</b>	<b>\$6,855,720.99</b>
<b><i>Payroll</i></b>	Total Pay 16 and 17	\$3,614,275.42
		<b>Total Payroll</b>
<b><i>Cards</i></b>	Corporate Cards	\$14,271.29
	Purchase Cards	\$46,097.79
	American Express	\$9,137.76
		<b>Total Card Payments</b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$10,539,503.25</b>

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2020 (REC)  
(ATTACHMENT)**

*Schedule of Payments Made continued.*

<b>INTERFUND &amp; INVESTMENT TRANSACTIONS</b>	
<b><i>Interfund Transfers</i></b>	
Loan	\$0.00
Citizen Relief Trust	(\$5,000.00)
Citizen Relief Operating	\$5,000.00
Municipal	(\$3,000,000.00)
Reserve	\$3,000,000.00
Trust	\$0.00
<b><i>Total Interfund Transfers</i></b>	
<b>\$0.00</b>	
<b><i>New Municipal Investments</i></b>	
No new Municipal Investments	
<b><i>Total New Investments</i></b>	
<b>\$0.00</b>	
<b>Grand Total</b>	
<b>\$10,539,503.25</b>	

Details of the payments are shown in attachment [6001 February 2020](#).

Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

**STATUTORY AND LEGAL IMPLICATIONS**

This report meets the requirements of the *Local Government (Financial Management) Regulations 1996* Part 2: General financial management (s.6.10) regulations 11, 12 & 13.

**FINANCIAL IMPLICATIONS**

Expenditures were provided for in the adopted Budget as amended by any subsequent Budget reviews and amendments.

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2020 (REC)**  
**(ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The impact of Covid-19 on the services provided by the City, the health of the city employees and community itself as well as the financial impacts on the City, State and Federal economy is a significant Strategic risk. The City has well developed business continuity plans in place and has enacted the Incident Response Team (IRT) to coordinate and plan the City's response to the Covid-19 crisis.

**POLICY IMPLICATIONS**

Procurement of Products and Services is conducted in accordance with Council Policy CP-023 and Systems Procedure 019 Purchasing and Procurement.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

**CONCLUSION**

The Schedule of Payments for the month totals \$10,539,503.25.

The report and the attached Schedule of Accounts Paid are presented for the Council's information.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)****NOTING**

At 6:50pm Cr Barber moved, seconded Cr Mair –

**That the Council notes the Schedule of Accounts paid for the period February 2020 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 February 2020](#).**

At 6:50pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2020 (AMREC)**  
**(ATTACHMENTS)**

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Reporting - Statements of Financial Activity
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Debbie Whyte - Manager Financial Services

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 29 February 2020 and recommends that they be noted by the Council.
- The variances for the month of February 2020 and recommends that they be noted by the Council.
- There were no budget amendments in February 2020 due to the recent completion of the mid-year budget review 2019-20 which was adopted at the March Ordinary meeting of Council.

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2020 (AMREC)  
(ATTACHMENTS)**
**BACKGROUND**

The Statements of Financial Activity for the period ending 29 February 2020 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

**DETAIL**

The attached reports have been prepared in compliance with the requirements of the legislation and Council policy. The three, monthly reports that are presented are the:-

1. Rate Setting Statement by Program, which provides details on the Program classifications,
2. Rate Setting Statement by Sub-Program, which provides further details on the Program classifications and,
3. Statement of Financial Activity by Nature and Type, which provides details on the various categories of income and expenditure.

**Variations**

EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE OVER \$50,000 for the Period 1 July 2019 to 29 February 2020							
	February Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
<b>OPERATING ACTIVITIES</b>							
<b>Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)</b>							
General Purpose Funding	716,586	4,730,105	5,017,746	287,641	6%	11,320,811	8,082,694
Law, Order, Public Safety	23,159	2,534,305	2,716,997	182,692	7%	2,549,172	2,549,172
Transport	169,572	1,125,945	1,243,562	117,617	11%	1,599,343	1,599,343
Economic Services	189,066	5,623,185	5,907,492	284,308	5%	3,038,466	6,276,583
Other Property and Services	13,451	883,435	471,966	(411,469)	-47%	321,201	1,285,350
	2,004,245	24,915,649	25,486,083	570,435		32,199,974	33,577,846
<b>Expenditure from operating activities</b>							
Governance	(314,161)	(3,852,111)	(3,502,953)	349,157	-9%	(6,152,018)	(7,320,408)
Health	(77,946)	(713,393)	(646,233)	67,160	-9%	(1,128,413)	(1,089,822)
Education & Welfare	(245,837)	(1,960,655)	(1,858,828)	101,827	-5%	(3,067,314)	(3,068,608)
Community Amenities	(1,774,960)	(18,258,669)	(18,485,217)	(226,548)	1%	(26,222,531)	(27,132,464)
Recreation and Culture	(2,662,170)	(23,849,668)	(22,851,755)	997,913	-4%	(36,049,663)	(36,102,306)
Transport	(1,504,699)	(12,094,634)	(11,892,662)	201,972	-2%	(17,962,135)	(18,977,636)
Economic Services	(1,307,619)	(4,677,230)	(4,792,141)	(114,911)	2%	(2,347,582)	(6,107,588)
Other Property and Services	(1,055,236)	(8,086,403)	(8,002,115)	84,287	-1%	(12,673,457)	(12,220,728)
	(9,295,982)	(76,991,483)	(75,441,642)	1,549,841		(114,996,552)	(117,154,176)
<b>Investing Activities</b>							
Non-operating grants, subsidies and contributions	0	1,844,566	1,985,635	141,069		18,305,085	4,226,085
Proceeds from Disposal of Assets	13,856	555,300	272,573	(282,727)	-51%	435,500	914,700
Purchase of Furniture & Equipment	(86,837)	(924,430)	(495,793)	428,637	-46%	(1,427,145)	(2,381,441)
Purchase of Plant & Equipment	(46,815)	(2,758,590)	(1,211,386)	1,547,204	-56%	(1,811,477)	(3,516,811)
Purchase of Land & Buildings	(192,669)	(3,492,071)	(2,937,012)	555,059	-16%	(55,935,948)	(16,386,271)
Purchase of Infrastructure Assets	(1,208,514)	(9,185,608)	(8,097,909)	1,087,699	-12%	(31,028,602)	(29,755,354)
	(1,520,979)	(13,960,833)	(10,483,893)	3,476,940		(71,462,587)	(46,899,092)

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program is provided in attachments [6002C Sub Program February 2020](#) and [6002H February 2020](#).

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2020 (AMREC)**  
**(ATTACHMENTS)****Revenue**

\$89.613 million in Rates was raised as at 29 February 2020 compared to a year to date budget of \$89.098 million. There is a positive variance of \$514,913 (0.57%) when compared to the year to date actual. This is due to growth in the rate base (mainly residential developments on Kishorn Road in Mt Pleasant and Riseley Street in Booragoon) subsequent to the budget setting.

**Money Expended in an Emergency and Unbudgeted Expenditure****Budget Amendments**

There were no budget amendments greater than \$50,000 in February 2020 due to the recent completion of the mid-year budget review. [6002J February 2020](#)

**Rates collection**

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$4,900,554 were collected over the course of the month. Rates collection progress for the month of February is 1.7% below the target of 86.5%. This represents a dollar value of \$1,662,740. As at 29 February 84.8% of the 2019-2020 rates, including prior year arrears had been collected compared with 85.8% collected for the same time last year. Rates collection for 2019-2020 excluding prior year rate arrears is 89.4%.

**Debtors Movement**

Total sundry debtor balances decreased by \$58,978 over the course of the month from \$957,630 to \$898,652 in February. The 90+ day's debtor balance decreased by \$18,089 from \$398,528 to \$380,439.

**Granting of concession or writing off debts owed to the City**

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and write off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Director Corporate Services to write off debts or grant concessions to a value of \$5,000.

There were no debts written off for the month of February 2020.

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2020 (AMREC)  
(ATTACHMENTS)**

**ATTACHMENTS**

The following attachments form part of the Attachments to the Agenda.

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – February 2020	<a href="#">6002A Nature Type February 2020</a>
Rate Setting Statement by Program – February 2020	<a href="#">6002B Program February 2020</a>
Rate Setting Statement by Sub-Program – February 2020	<a href="#">6002C Sub Program February 2020</a>
Representation of Net Working Capital – February 2020	<a href="#">6002E February 2020</a>
Reconciliation of Net Working Capital – February 2020	<a href="#">6002F February 2020</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – February 2020	<a href="#">6002H February 2020</a>
Details of Budget Amendments requested – February 2020	<a href="#">6002J February 2020</a>
Summary of Rates Debtors – February 2020	<a href="#">6002L February 2020</a>
Graph Showing Rates Collections – February 2020	<a href="#">6002M February 2020</a>
Summary of General Debtors aged 90 Days Old or Greater – February 2020	<a href="#">6002N February 2020</a>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

*Local Government Act 1995* Division 3 – Reporting on Activities and Finance Section 6.4 – Financial Report.

*Local Government (Financial Management) Regulation 1996* Part 4 – Financial Reports Regulation 34 requires that:

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2020 (AMREC)**  
**(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council is 10% or \$50,000 whichever is greater.

*Local Government Act 1995* Division 4 – General Financial Provisions Section 6.12; Power to defer, grant discounts, waive or write off debts.

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2020 (AMREC)**  
**(ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002H February 2020](#) (Notes on Statement of Variances in excess of \$50,000 by Sub-Program).

**Fees and Charges**

There are no changes to fees and charges during this reporting period.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The impact of COVID-19 on the services provided by the City, the health of the city employees and community itself as well as the financial impacts on the City, State and Federal economy is a significant Strategic risk. The City has well developed business continuity plans in place and has enacted the Incident Response Team (IRT) to coordinate and plan the City's response to the COVID-19 crisis.

**POLICY IMPLICATIONS**

The format of the Statements of Financial Activity as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy CP-025.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable

**CONCLUSION**

The attached financial reports reflect a positive financial position of the City of Melville as at 29 February 2020. Subsequent month's results will be significantly impacted by the effects of the COVID-19 health emergency which will reduce revenue, cash collections and result in increased expenditures due to additional costs of working incurred by the City as a result of the emergency.

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2020 (AMREC)  
(ATTACHMENTS)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)  
NOTING and ABSOLUTE MAJORITY**

At 6:50pm Cr Barton moved, seconded Cr Mair –

**That the Council:**

- Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 29 February 2020 as detailed in the following attachments:**

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity By Nature and Type – February 2020	<a href="#"><u>6002A Nature Type February 2020</u></a>
Rate Setting Statement by Program – February 2020	<a href="#"><u>6002B Program February 2020</u></a>
Rate Setting Statement by Sub-Program – February 2020	<a href="#"><u>6002C Sub Program February 2020</u></a>
Representation of Net Working Capital – February 2020	<a href="#"><u>6002E February 2020</u></a>
Reconciliation of Net Working Capital – February 2020	<a href="#"><u>6002F February 2020</u></a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – February 2020	<a href="#"><u>6002H February 2020</u></a>
Details of Budget Amendments requested – February 2020	<a href="#"><u>6002J February 2020</u></a>
Summary of Rates Debtors – February 2020	<a href="#"><u>6002L February 2020</u></a>
Graph Showing Rates Collections – February 2020	<a href="#"><u>6002M February 2020</u></a>
Summary of General Debtors aged 90 Days Old or Greater – February 2020	<a href="#"><u>6002N February 2020</u></a>

- By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for February 2020 [6002J February 2020](#).**

At 6:51pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**



**C20/5745 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION (REC)**  
**(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City is a Unit Holder and beneficiary to the Local Government House Trust, holding ten units.
- The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status.
- As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.
- Council's consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (The Trust) is required.

**BACKGROUND**

The City is a Unit Holder and beneficiary to the Local Government House Trust, holding ten units. At last valuation these units had a value of \$175,171.

The City of Melville is requested to consent to the attached [5745 LG Deed of Variation](#) supported by a resolution of Council; and to communicate this consent to WALGA in writing. WALGA is requesting consent for the Trustee to formally execute the attached Deed of Variation, the City is not required to sign the attached document.

Council's consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (The Trust), is required.

**Background on the Local Government House Trust**

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement, which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

**C20/5745 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION (REC)**  
**(ATTACHMENT)****DETAIL**

Further details on the particular Deed Variations and objectives to be achieved by this variation are outlined below.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation).

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The~~ **Subject to clause 22.3, the** right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

**22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.**

**22.4 The Beneficiaries may at any time by Special Resolution:**

- (a) remove a Trustee from the office as Trustee of the Trust;**
- and**
- (b) appoint such new or additional Trustee.**

**C20/5745 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION (REC)**  
**(ATTACHMENT)**3. Variation 2.3 insert a new clause 13A**13A Delegation to the Board of Management**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

There has been no community engagement relating to this matter.

**II. OTHER AGENCIES / CONSULTANTS**

There has been no engagement with other agencies or consultants relating to this matter.

**C20/5745 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION (REC)  
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory or legal implications related to this matter.

**FINANCIAL IMPLICATIONS**

There are no financial implications related to the variation to the deed.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental managements implications related to this matter.

**POLICY IMPLICATIONS**

There are no policy implications related to this matter.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could decide not to consent to the deed of variation, however the variation can proceed if 75 per cent of the beneficiaries consent to the variation.

**CONCLUSION**

The amendments assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body.

There are no impacts for the City arising from the amendment to the Trust Deed for Local Government House and it is supported.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5745)                      APPROVAL**

At 6:51pm Cr Robartson moved, seconded Cr Macphail –

**That the Council consent to the proposed amendments to the trust deed as outlined in the explanatory notes of the document titled “Amendment to the Trust Deed – Local Government House”**

At 6:51pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**C20/6176 – MELVILLE COMMUNITY STIMULUS PACKAGE (REC)**

Item C20/6176 – Melville Community Stimulus Package was withdrawn from the agenda and dealt with at a Special Meeting of Council held on 9 April 2020.

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

Disclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Potential Shareholder in companies that own land in the Canning Bridge Activity Centre Plan
Request	Leave
Decision	Leave

*At 6:52pm having declared an interest in the matter Cr Mair was electronically disconnected from the meeting.*

Ward	: Applecross - Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Various
Proposal	: City of South Perth Proposed Modifications to the Canning Bridge Activity Centre Plan
Applicant	: City of South Perth Council
Owner	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The City of South Perth has proposed amendments to the Canning Bridge Activity Centre Plan (CBACP) relating to land within the Cassey Quarter (Q3), Davilak Quarter (Q4) and Mount Henry Quarter (Q6) located within the City of South Perth.
- The amendments proposed by the City of South Perth, whilst not impacting development within the City of Melville, require the submission of a report to the Western Australian Planning Commission (WAPC) from each local government affected by the Activity Centre Plan, pursuant to Regulation 36 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
- The report submitted to the WAPC must provide a recommendation from the Council on whether the proposed modifications by the City of South Perth should be approved.
- This report outlines the City of South Perth's proposed amendments to the CBACP, notes that the content of the amendment does not impact development within the City of Melville and recommends that Council advised the WAPC that the amendments advises the WAPC that it supports the proposed amendments.



Figure 1. Canning Bridge Activity Centre Plan Quarters

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)****BACKGROUND**

The CBACP was prepared in association with a partnership between the City of Melville, the City of South Perth and the State Department of Planning to provide guidance for development of the CBACP area. This area is designated as a 'District Centre Activity Centre' under the WAPC State Planning Policy 4.2 - Activity Centres for Perth and Peel.

The activity centre area comprises the walkable catchment of the Canning Bridge bus and rail interchange and includes land within the City of Melville and the City of South Perth.

The CBACP was developed over a number of years (2010-2015) and became operational in the City of Melville upon approval by the WAPC and the Minister for Planning in April 2016.

City of Melville Previous Reviews and Amendments

The City of Melville has undertaken two reviews of the CBACP. The first review consisted of technical and administrative amendments that were approved by the WAPC in June 2018. The second review consisted of amendments to the H4 areas of the CBACP relating to building height, mezzanine levels, the permissibility of single dwellings, overshadowing and visual privacy that, except for the visual privacy provisions, were approved by the WAPC in August 2019.

Two amendments to the CBACP have recently been submitted to the WAPC by the City of Melville for consideration. The first relating to limiting bonus building height and the second relates to the ceding of road widening land as a community benefit. The WAPC decisions are currently pending for both amendments.

The bonus building height limit mentioned above, represents stage 1 of a comprehensive review of the City of Melville portion of the CBACP. Detailed examination of the issues responded to by the South Perth amendment to the CBACP (and the merit of applicability to the City of Melville) will form part of the Melville comprehensive review of the CBACP.

City of South Perth Reviews and Amendments

The City of South Perth Council has undertaken one review of the CBACP that has resulted in the proposed amendments that are the subject of this report.

In September 2019, the Council of the City of South Perth resolved to commence public consultation on proposed amendments to the Cassey Quarter (Q3), Davilak Quarter (Q4) and Mount Henry Quarter (Q6) of the CBACP. It is not the intent of the City of South Perth review to affect land within the City of Melville. The intended outcomes of the City of South Perth review are as follows;

- Aligning the assessment of development within the CBACP with the approach and objectives outlined in SPP7.0 (Design of the Built Environment) and SPP7.3 – Residential Design Codes (Vol 2) as appropriate;
- Recognise the characteristics present and specific to Q3, Q4 and Q5 and have these reflected in the built-form controls in the plan;

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

- Ensure that a diversity of housing typologies and scales is provided throughout the precinct without detriment to the objective of providing for dwelling and land use intensity within close proximity to Canning Bridge railway station.

As per the requirements of the Regulations, consultation was undertaken by the City of South Perth to affected landowners as well as the broader community. A total of 44 submissions were received.

At its Ordinary Meeting of Council held 25 February 2020, the City of South Perth resolved to support the proposed amendments subject to modifications as a result of the outcomes of the community consultation. The resolution of the City of South Perth is included at Attachment (a). The amendments as modified and endorsed by the City of South Perth are discussed in the 'Detail' section of this report and within the schedule of modifications contained within Attachment (b).

**DETAIL**

As the CBACP includes land within both the City of Melville and the City of South Perth, the Department of Planning, Lands and Heritage have advised that both local governments should prepare a report in accordance with Schedule 2, Part 5, Clause 36(1) of the Regulations whenever an amendment is proposed to the CBACP.

The report should cover the following matters as listed in Schedule 2, Part 5, Clause 36(2) of the Regulations:

- a) a list of the submissions considered by the local government, including if relevant, any submission received on a proposed modification to the activity centre plan advertised under clause 35(2);
- b) any comment by the local government in respect to those submissions;
- c) a schedule of any proposed modification to address the issues raised in the submissions;
- d) the local government's assessment of the proposal based on appropriate planning principles;
- e) a recommendation by the local government on whether the proposed activity centre plan should be approved by the Commission, including a recommendation on any proposed modifications.

[3845 Attachment \(a\) City of South Perth Extract of Minutes Final Endorsement of CBACP Proposed Amendments Feb 2020](#)

[3845 Attachment \(b\) Schedule of CBACP Modifications Following CoSP Council Resolution Feb 2020](#)

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

As the proposed amendments do not have an impact on land within the City of Melville, the City did not advertise the proposed amendments (refer to 'Stakeholder Engagement' section for further detail). Therefore, the report from the City of Melville need only consider points (d) and (e).

The amendments proposed by the City of South Perth and comments from officers of the City of Melville are included in the below table. The proposed amendments to the CBACP relate specifically to land within the Cassey Quarter (Q3), Davilak Quarter (Q4) and Mount Henry Quarter (Q6) located in the City of South Perth. A full copy of the review report prepared by the City of South Perth is included at Attachment (c).

<b>No.</b>	<b>Proposed Modification</b>	<b>City's comment</b>
1.	Amend requirement 1.13 as follows;  <i>All development in Q1 and Q2 that contains ten (10) or more dwellings shall provide a minimum of 20% and a maximum of 50% of the dwellings as one (1) bedroom or studio dwellings, and shall provide a minimum of 40% of the dwellings as two (2) bedroom dwellings. All development in Q3, Q4 and Q5 that contains ten (10) or more dwellings shall provide a minimum of 20% and a maximum of 40% of the dwellings as one (1) bedroom or studio dwellings, and shall provide a minimum of 20% of the dwellings as two (2) bedroom dwellings.</i>	This modification seeks to alter the dwelling ratios contained in the City of South Perth quarters of the CBACP to reduce the minimum number of one and two-bedroom dwellings to allow for an increased number of larger dwellings.
2.	Re-number existing requirement 1.16 to 1.17. Add a new requirement 1.16;  <i>1.16 Dwelling Typology Residential development in Q3, Q4 and Q5 may be provided in a variety of typologies.</i>	Administrative modification and additional requirement reiterating content of Amendment 1 above.
3.	Add an additional requirement to Element 2 as follows;  <i>2.6 Building depth in Q3, Q4 and Q5 shall be in accordance with State Planning Policy 7.3, Design Element 2.6.</i>	This proposed modification seeks to introduce controls on building depth in the City of South Perth quarters of the CBACP to align with State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (SPP7.3).

[3845 Attachment \(c\) City of South Perth Report on Proposed Amendments to the CBACP October 2019](#)

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

No.	Proposed Modification	City's comment
4.	<p>Amend requirement 3.5 as follows;</p> <p><i>For buildings in the H8 Zone, notwithstanding the 8 storey height limit, no building shall exceed 26 metres above NGL. For buildings in the H4 Zone, notwithstanding the 4 storey height limit, no building shall exceed 16 metres above NGL. Notwithstanding, the above <u>for buildings in the H4 zone in Q3, Q4 or Q5, may be developed up to a maximum of 6 storeys (building height of 20 metres above NGL) where the site area comprises a minimum of 1,200 square metres.</u></i></p>	<p>This proposed modifications seeks to encourage amalgamation in the H4 zone and promote a diversity in a range in the scale of buildings in the City of South Perth quarters of the CBACP.</p> <p>The additional proposed height for larger sites in H4, up to a maximum of six storeys, will compensate for possible loss of development potential as a result of increased setbacks as detailed in Amendment 9.</p>
5.	<p>a. Amend existing requirement 4.2 as follows:</p> <p><i>4.2 All development in M15 Zone <u>in Q1 and Q2</u> shall have a minimum Nil and maximum 2 metre setback to street boundaries unless the development is identified as being on a street which is a 'Linking Pathway' as shown in Figure 1.</i></p> <p>b. Insert the following requirement after existing requirement 4.2</p> <p><i>All development in the M15 Zone in Q3, Q4 and Q5 shall have a minimum Nil and maximum 4 metre setback to street boundaries to enable the development of colonnades unless the development is identified as being on a street which is a 'Linking Pathway' as shown in Figure 1. In the M15 Zone in Q3, Q4 and Q5, where no colonnade is proposed, the street setback shall be a minimum of Nil and maximum of 2 metres.</i></p> <p>c. Insert the following requirement after existing requirement 4.3</p> <p><i>Notwithstanding anything in Clause 4.3 and 4.4, all development in the M15 and M10 Zones in Q3, Q4 and Q5 adjacent to Canning Highway shall comprise a minimum 3 metre depth colonnade fronting Canning Highway.</i></p>	<p>This modification seeks to ensure that a colonnade be provided for all buildings fronting Canning Highway in the City of South Perth quarters of the CBACP.</p>
6.	<p>Re-number existing requirements 4.4 through to 4.9 accordingly.</p>	<p>Administrative modification only</p>

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

<b>No.</b>	<b>Proposed Modification</b>	<b>City's comment</b>
7.	<p>Amend requirement 5.1 as follows:</p> <p><i>Any new podium level development in the M15 Zone in all quarters or M10 Zone of Q1 and Q2 shall be built up to side boundaries, any adjoining right-of-way and may be built up to the rear boundary. Any new podium level development in the M10 Zone of Q3, Q4 and Q5 shall achieve an average side setback of 4 metres unless the site has frontage to Canning Highway, in which case side and rear setbacks may be reduced to nil. Setbacks of podiums on sites without frontage to Canning Highway (in Q3, Q4 and Q5) shall give regard to how the podium structure contributes to the interface between development, improves access to sunlight, ventilation and the retention of mature trees in accordance with the Desired Outcome and as per Clause 11.5.</i></p>	<p>The proposed modification introduces an average 4.0m setback for podiums to side and rear boundaries for development in the M10 zone in the City of South Perth quarters for lots that do not adjoin Canning Highway.</p>
8.	<p>Amend requirements 5.3, 5.4, 5.5 and 5.6 by adding the words 'in Q1 and Q2' after 'M15 or M10 Zones' or 'H8 and H4 Zones' in each instance.</p>	<p>Administrative modification only</p>
9.	<p>Re-number the existing requirement 5.7 to 5.8 and add a new requirement 5.7 as follows;</p> <p><i>5.7 Except where outlined elsewhere in this Element setbacks for all development in Q3, Q4 and Q5 shall be in accordance with State Planning Policy 7.3, Design Element 2.7. Where Table 2.7 - Building Separation of Design Element 2.7 refers to Table 2.1, setbacks shall be assessed in reference to the R80 code. Where Table 2.7 - Building Separation of Design Element 2.7 refers Design Element 3.5, only the Element Objectives and Design Guidance of Design Element 3.5 should also be considered. The Acceptable Outcomes of Design Element 3.5 do not apply.</i></p>	<p>This proposed modification seeks to align building side and rear setback requirements for development within the City of South Perth quarters of the CBACP with those contained in SPP7.3.</p>
10	<p>Amend requirement 5.8 as follows;</p> <p><i>5.8 Provisions of privacy and solar access and overshadowing do not apply within Q1 and Q2. In Q3, Q4 and Q5 access to solar and daylight access will be considered in accordance with State Planning Policy 7.3, Design Element 4.1. In designing development in Q3, Q4 and Q5, the Element Objectives and Design Guidance of Design Element 3.2 should also be considered. The Acceptable Outcomes of Design Element 3.2 do not apply.</i></p>	<p>The proposed modification seeks to introduce controls relating to privacy, solar access and overshadowing for development within the City of South Perth quarters of the CBACP with those contained in SPP7.3.</p>

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

No.	Proposed Modification	City's comment
11.	<p>Amend requirement 10.4 as follows;</p> <p><i>10.4 Development in the H8 Zone shall be provided with a minimum provision of 30% open space which shall be provided in shared common space at ground levels and/ or shared common space on areas such as the roof. <u>For development in the H8 zone in Q3, Q4 and Q5, the open space provision shall include deep soil and tree provision as per State Planning Policy 7.3, Design Element 3.3 and the required open space area in addition to the deep soil zone shall be landscaped and/or treated with permeable surfaces.</u></i></p>	<p>This modification seeks to ensure protection of existing trees and providing sufficient area for new trees on development sites within the H8 zone for City of South Perth quarters of the CBACP in alignment with SPP7.3.</p>
12.	<p>Amend requirement 10.5 as follows;</p> <p><i>10.5 Development in the H4 Zone shall be provided with a minimum provision of 40% open space which shall be provided in shared common space at ground levels and/or shared common space on areas such as the roof. <u>For development in the H4 zone in Q3, Q4 and Q5, the open space provision shall include deep soil zones as per State Planning Policy 7.3, Design Element 3.3 and the required open space area in addition to the deep soil zone shall be landscaped and/or treated with permeable surfaces.</u></i></p>	<p>This modification seeks to ensure development protects existing trees and provides sufficient area for new trees on development sites within the H4 zone for City of South Perth quarters of the CBACP in alignment with SPP7.3.</p>
13.	<p>Amend requirement 11.5 to add the following after the sentence ending "...a 4 Star Green Star design rating under Green Building Council of Australia."</p> <p><i>In Q3, Q4 and Q5, new development excludes development which would otherwise be exempted from assessment under the City of South Perth environmentally sustainable buildings policy.</i></p>	<p>This modification seeks to remove the requirement for minor developments to achieve a 5-Star Green Star rating within the City of South Perth quarters of the CBACP.</p>

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

No.	Proposed Modification	City's comment															
14.	<p>Replace requirement 18.3 as follows; Car parking for residential development shall be provided as follows;</p> <p><i>Car parking for residential development shall be provided as follows;</i></p> <table border="1" data-bbox="325 636 986 1214"> <thead> <tr> <th><i>Dwelling type</i></th> <th><i>Q1 &amp; Q2</i></th> <th><i>Q3, Q4 &amp; Q5</i></th> </tr> </thead> <tbody> <tr> <td><i>Studio or single bedroom dwellings</i></td> <td><i>Min: 0.75 Max: 1.0</i></td> <td><i>Min: 0.75</i></td> </tr> <tr> <td><i>Two or three bedroom dwellings</i></td> <td><i>Min: 1.0 Max: 1.5</i></td> <td><i>Min: 1.0</i></td> </tr> <tr> <td><i>Four or greater bedroom dwellings</i></td> <td><i>Min: 1.25 Max: 2.0</i></td> <td><i>Min: 1.25</i></td> </tr> <tr> <td><i>Residential visitor</i></td> <td><i>N/A</i></td> <td><i>1 bay per eight dwellings for developments greater than 12 dwellings.</i></td> </tr> </tbody> </table> <p><i>Where residential visitor parking is provided, car parking areas shall not be located within the street setback and not be visually prominent from the street.</i></p>	<i>Dwelling type</i>	<i>Q1 &amp; Q2</i>	<i>Q3, Q4 &amp; Q5</i>	<i>Studio or single bedroom dwellings</i>	<i>Min: 0.75 Max: 1.0</i>	<i>Min: 0.75</i>	<i>Two or three bedroom dwellings</i>	<i>Min: 1.0 Max: 1.5</i>	<i>Min: 1.0</i>	<i>Four or greater bedroom dwellings</i>	<i>Min: 1.25 Max: 2.0</i>	<i>Min: 1.25</i>	<i>Residential visitor</i>	<i>N/A</i>	<i>1 bay per eight dwellings for developments greater than 12 dwellings.</i>	<p>This modification seeks to introduce residential visitor parking requirements in the City of South Perth quarters of the CBACP. The CBACP does not currently contain criteria for the provision of visitor parking to new residential developments.</p>
<i>Dwelling type</i>	<i>Q1 &amp; Q2</i>	<i>Q3, Q4 &amp; Q5</i>															
<i>Studio or single bedroom dwellings</i>	<i>Min: 0.75 Max: 1.0</i>	<i>Min: 0.75</i>															
<i>Two or three bedroom dwellings</i>	<i>Min: 1.0 Max: 1.5</i>	<i>Min: 1.0</i>															
<i>Four or greater bedroom dwellings</i>	<i>Min: 1.25 Max: 2.0</i>	<i>Min: 1.25</i>															
<i>Residential visitor</i>	<i>N/A</i>	<i>1 bay per eight dwellings for developments greater than 12 dwellings.</i>															
15.	<p>Amend requirement 19.3 as follows:</p> <p><i>19.3 Developments within the M15, M10 and H8 Zones shall provide for all management of waste wholly within the development site, including the ability for service vehicles to circulate within the development. No on-street waste collection areas are permitted within the M15, M10 and H8 Zones. <u>In the H4 Zones in Q3, Q4 and Q5, where the development is more than 3 storeys and the lot size is 800 square meters or greater, development shall provide for all management of waste wholly within the development site, including the ability for service vehicles to circulate within the development. All development applications within Q3, Q4 and Q5 shall be accompanied by a waste management plan.</u></i></p>	<p>Currently the CBACP does not require on-site collection for buildings in the H4 zone. This modification seeks to ensure that waste is collected on-site for larger developments in the H4 zone in the City of South Perth quarters of the CBACP.</p>															

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)**

<b>No.</b>	<b>Proposed Modification</b>	<b>City's comment</b>
16.	<p>Insert an additional Requirement to Element 2 as follows:</p> <p><i>2.7 In Q3, Q4 and Q5, for sites greater than 5,000sqm and where, in the opinion of the local government it is necessary to guide and coordinate development on the site, a Local Development Plan or similar shall be prepared and adopted. The Local Development Plan or similar may not vary the maximum building heights contained in this Activity Centre Plan.</i></p>	<p>This modification seeks to provide greater certainty to guide the overall built form of larger development sites in the City of South Perth quarters of the CBACP.</p> <p>The modification also allows for the opportunity to vary development requirements, other than building height, that may not be suitable due to a sites larger size or location.</p>
17.	<p>Replace all occurrences of "State Planning Policy 3.1" with "State Planning Policy 7.3".</p>	<p>Administrative modification only</p>
18.	<p>Replace all occurrences of "Heritage of Western Australia Act 1990" with "Heritage Act 2018".</p>	<p>Administrative modification only</p>

The proposed City of South Perth amendments to the CBACP ultimately do not affect land within the City of Melville and are not considered to conflict with the overall objectives of the CBACP.

## **STAKEHOLDER ENGAGEMENT**

The City is not required to advertise an amendment to an Activity Centre Plan if, in the opinion of the City, the amendment is of a minor nature as set out in Schedule 2, Part 5, Clause 45(3) of the Regulations. Given the modifications proposed to the CBACP only affect land within the City of South Perth, the City considers advertisement of the proposed amendments to be unnecessary. This approach is consistent with the City of South Perth's decision to not undertake public advertisement for amendments proposed by the City of Melville in March 2018, April 2019, November 2019 and February 2020.

### **I. COMMUNITY**

Consultation by the City of Melville has not been undertaken for the reasons outlined above. The City of South Perth undertook engagement with stakeholders as part of the amendment process.

### **II. OTHER AGENCIES / CONSULTANTS**

Relevant servicing/government agencies were consulted by the City of South Perth as part of the amendment to the CBACP process.

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The process for amendment to an Activity Centre Plan is provided for in Schedule 2, Part 6, clause 45 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Regulations establish the circumstances in which the WAPC will consider a proposed amendment, the required content of the amendment and the requirements for public advertising.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

It is not the intent of the City of South Perth that their review of the CBACP will affect development of land within the City of Melville. The proposed amendments contained within this report do not undermine the overall objectives of the CBACP.

**POLICY IMPLICATIONS**

There is no Council Policy that relates to this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The recommendations of this report are consistent with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Should the Council chose not to endorse the proposed City of South Perth amendment and submit the report to the WAPC, the WAPC may make a decision on the proposed amendments in the absence of the report as outlined in Schedule 2, Part 5, Clause 38(4).

**CONCLUSION**

The proposed City of South Perth amendments to the CBACP ultimately do not affect land within the City of Melville and are not considered to conflict with the overall objectives of the CBACP. The amendment content responds to development issues within South Perth and proposed clauses have been constructed to apply only to land in South Perth. Some of the issues responded to by the amendment may have relevance to the City of Melville. Whether or not there is merit in applying any of the proposed responses in the South Perth amendment to the City of Melville portion of the CBACP will be considered as part of the comprehensive (City of Melville) review of the Plan.

With respect to the South Perth amendments discussed in this report, it is recommended that Council advises the WAPC that it supports the proposed amendments.

**P20/3845 - CITY OF SOUTH PERTH PROPOSED MODIFICATIONS TO THE CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3845) APPROVAL**

At 6:52pm Cr Pazolli moved, seconded Cr Kepert –

**That the Council**

1. **Support the amendment report and schedule of modifications relating to the Cassey Quarter (Q3), Davilak Quarter (Q4) and Mount Henry Quarter (Q6) of the Canning Bridge Activity Centre Plan as prepared by the City of South Perth included as Attachment (b) and (c).**

**[3845 Attachment \(a\) City of South Perth Extract of Minutes Final Endorsement of CBACP Proposed Amendments Feb 2020](#)**

**[3845 Attachment \(c\) City of South Perth Report on Proposed Amendments to the CBACP October 2019](#)**

2. **Recommend to the Western Australian Planning Commission in accordance with Schedule 2, Part 5, Clause 36(2)e of the Planning and Development (Local Planning Scheme) Regulations 2015 to approve amendments to the Canning Bridge Activity Centre as detailed in the schedule of modifications prepared by the City of South Perth included as Attachment (b).**

**[3845 Attachment \(b\) Schedule of CBACP Modifications Following CoSP Council Resolution Feb 2020](#)**

3. **Advise the City of South Perth of Council's resolution outlined in 1 and 2.**

At 6:52pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

Disclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Potential Shareholder in companies that own land in the Canning Bridge Activity Centre Plan
Request	Leave
Decision	Leave
Member	Cr Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Close relative owns property in Forbes Road, Applecross
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

Officers provided an Advice Note on this item ([3848 Advice Note](#))

**P20/3848 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)**

Ward	: Applecross- Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Progress update- preparation of a Local Planning Policy
Applicant	: Not Applicable
Owner	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Ordinary Council Meeting 20 August 2019 Item P19/3810 : Adoption of Local Planning Policy – CBACP Bonus Building Height Provisions Ordinary Council Meeting 10 December 2019 Item 17.3 : Motion Without Notice – Immediate Commencement of CBACP Full Review
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P20/3848 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)**

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**KEY ISSUES / SUMMARY**

- Council at its meeting on 10 December 2019 supported a Notice of Motion to engage an external planning consultant to prepare a draft Local Planning Policy (LPP) relating to bonus heights in the CBACP
- The Notice of Motion sought to have a draft policy presented to Council in April 2020 for consideration and review.
- External planning consultants were appointed in mid February 2020 following a request for quote process which closed on 30 January 2020.
- The consultants have progressed background work for the policy and engagement with key stakeholders. Social distancing requirements have required alternative approaches to this preliminary engagement, which in turn has contributed in a delay to project progress.
- This preliminary engagement phase was to include a workshop with Elected Members to better understand matters to be responded to by the LPP. This workshop will now occur as a video presentation followed by a series of written questions.
- In these circumstances, a draft Local Planning Policy is not ready for presentation to Council in April 2020.
- Next steps are for the consultant to hold the video workshop with Councillors. Findings will then inform the preparation of the draft LPP, which will be presented to Council.

**P20/3848 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)****BACKGROUND**

Council had previously explored the opportunity to use a Local Planning Policy (LPP) to provide additional clarity to the process for awarding bonus height under the CBACP (Elements 21 and 22). The request to consider a LPP acknowledged that the approval pathway for a LPP is likely to be quicker than that for an amendment to the CBACP. Draft LPP 1.18 was prepared in response to the Council's request and included

- *Identification of Required Documentation* – To assist the assessment process, specific information required to be submitted by an applicant was identified to demonstrate the need and level of benefit provided by proposed bonus items.
- *Introduction of Performance Criteria* – The LPP provided additional clarity on what was expected by the CBACP under Elements 21 and 22 through the introduction of a statement of intent for each sub element, together with a series of performance criteria. These items provided additional understanding in measuring how well a bonus item responded to the expectations of the CBACP.
- *Identifications of a Limit to Bonus Height:* - Whilst an LPP is not able to introduce height controls inconsistent with the CBACP, the draft Policy, in responding to a Council desire for control of building height, attempted to interpret the desired built form anticipated by the CBACP through a concept of "Threshold Heights". The Policy sought to require development seeking building heights greater than the thresholds to meet additional performance criteria.

Reporting on draft LPP 1.18 noted the relationship between a policy and a higher order planning instrument such as the CBACP, in particular the limitations on what a policy could achieve. In the context of the CBACP, an LPP may provide additional guidance and clarity on the interpretation of the intent of the CBACP and/or the exercise of discretion under the CBACP. A LPP is required to be consistent with higher order statutory documents and legislation including the CBACP and Local Planning Scheme 6. In particular, with respect to the CBACP, a LPP may not introduce specific restrictions such as height limits.

Council at its meeting on 20 August 2019 ultimately decided not to proceed with the draft LPP.

At the Ordinary Council Meeting held on 10 December 2019 Council resolved to support a Motion Without Notice (Item 17.3) as follows:

**P20/3848 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)**

That the Council requests the Chief Executive Officer:

1. To engage the services of a professional Planning Consultant from open market suppliers with expertise in local government, community engagement and public policy development by no later than 25 February 2020, to prepare a Draft Local Planning Policy relating to Bonus Building Heights in the Canning Bridge Activity Centre Plan for Council's consideration under the *Planning and Development (Local Planning Schemes) Regulations 2015*, addressing the points below:
  - a) Clarifying the information to be submitted with development applications seeking bonus height;
  - b) Defining the correlation between community benefit and bonus height for new developments in the M10 and M15 zones; and
  - c) Introducing corresponding provisions to guide the exercise of discretion when assessing and determining development applications seeking bonus Height.
2. Requires the Draft Local Planning Policy described in 1. above to be presented to the April 2020 Ordinary Council Meeting.

**DETAIL**

In accordance with the Notice of Motion, external consultants were invited to submit quotes on the preparation of the LPP with a closing date of 30 January 2020. Following assessment of submissions a consultant was engaged mid February 2020.

The preparation of the LPP involves three main stages:

- Review of previous LPP 1.18
- Preliminary Engagement with Stakeholders to Understand Key Issues
- Preparation of the LPP (including review, engagement, modification)

The consultants have progressed background work for the policy and engagement with key stakeholders (stages 1 and 2). Social distancing requirements have required alternative approaches to the preliminary engagement with stakeholders, which in turn has contributed in a delay to project progress.

In particular the preliminary engagement phase was to include a workshop with Elected Members to better understand matters to be responded to by the LPP. Current events have delayed the scheduling of this workshop and revisions to the methodology.

In these circumstances a draft LPP is not able to be presented to Council in April 2020 as required by the Notice of Motion.

An alternative approach to the workshop with Elected Members has now been devised. The workshop will now occur as a video workshop with key issues/areas of concern obtained from participants. This information will enable the consultations to prepare the draft LPP with a view to presenting to a Council Meeting.

The Elected Members workshop is expected to occur in late April 2020, with presentation of the draft LPP to Council in May 2020.

**P20/3848 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Preliminary engagement is occurring with community stakeholders. Formal advertising of a draft LPP would occur following consideration by Council.

**II. OTHER AGENCIES / CONSULTANTS**

Nil.

**STATUTORY AND LEGAL IMPLICATIONS**

Local Planning Scheme 6 establishes the approval process and advertising requirements for a LPP.

State Planning Regulations note the requirement for a LPP to maintain consistency with higher order legislation with the role of an LPP being to guide and clarify content

**FINANCIAL IMPLICATIONS**

NA

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The CBACP aligns with the City's strategic goals and responds in particular to Priority 3 of the Corporate Plan:

"Urban development creates changes in amenity (positive and negative) which are not well understood".

Under Priority 3 from the Corporate Business Plan key strategies are:

1. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
2. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged.

**P20/3848 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
Delay in preparation of LPP may reduce clarity and guidance with respect to awarding of bonus height in CBACP.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	Expected delay to LPP is not substantial given proposed solutions. Existing legislation and planning framework provides guidance and clarity.

**POLICY IMPLICATIONS**

NA

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This report notes that progress on the preparation of a LPP has not achieved the timeframe indicated in the originating Notice of Motion, due largely to change in delivery/approach necessary to respond to social distancing requirements. A revised approach and timeframe is outlined with regard to preparation of the draft LPP.

**OFFICER RECOMMENDATION (3848)**

**APPROVAL**

At 6:53pm Cr Robins moved, seconded Cr Robartson –

**That the Council:**

- 1. Notes that the preparation of a draft Local Planning Policy relating to Bonus Building Height in the Canning Bridge Activity Centre is not able to be provided to the April 2020 Council meeting as identified in the Notice of Motion adopted by Council 10 December 2019.**
- 2. Notes that revisions to the project stakeholder engagement program have been introduced, including a revised Elected Member Workshop, to respond to social distancing requirements and to enable progress on the required Local Planning Policy.**

**P20/3848 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)****Amendment****COUNCIL RESOLUTION**

At 7:00pm Cr Pazolli moved, seconded Cr Kepert –

**That the following be included as point 3 to the officer’s recommendation:**

**“That the CEO advises Council when the draft Local Planning Policy 1.18 is available and arrange a Special Meeting of the Council, if necessary.”**

At 7:04pm the Mayor declared the motion

**CARRIED (12/0)**

**Substantive Motion as Amended****COUNCIL RESOLUTION**

At 6:53pm Cr Robins moved, seconded Cr Robartson –

**That the Council:**

- 1. Notes that the preparation of a draft Local Planning Policy relating to Bonus Building Height in the Canning Bridge Activity Centre is not able to be provided to the April 2020 Council meeting as identified in the Notice of Motion adopted by Council 10 December 2019.**
- 2. Notes that revisions to the project stakeholder engagement program have been introduced, including a revised Elected Member Workshop, to respond to social distancing requirements and to enable progress on the required Local Planning Policy.**
- 3. That the CEO advises Council when the draft Local Planning Policy is available and arrange a Special Meeting of Council if necessary.**

At 7:04pm the Mayor declared the motion

**CARRIED (12/0)**

*At 7:05pm Cr Mair was electronically reconnected to the meeting.*

**T20/3844 – LONG TERM CYCLING NETWORK – CITY OF MELVILLE (REC)**  
**(ATTACHMENT)**

Disclosures of Interest

Member Cr Wheatland  
 Type of Interest Interest under the Code of Conduct  
 Nature of Interest Listed on website PerthtoPort.com as a Councillor in support of connected bike and walk paths.  
 Request Stay, discuss and vote  
 Decision Stay, discuss and vote

Ward : All  
 Category : Strategic  
 Subject Index : Bike Plan/Cycling  
 Customer Index : TravelSmart Reference Group  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Mick McCarthy  
 Director Technical Services

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**T20/3844 – LONG TERM CYCLING NETWORK – CITY OF MELVILLE (REC)**  
**(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Department of Transport is seeking the Council to endorse the aspirational Long Term Cycling Network (LTCN) agreed with local government officers.
- Officers from 33 local governments were consulted with the aim to agree to a long term aspirational cycling network for the region.
- Originally the local governments were guided by the Perth Bicycle Network and subsequently the WA Bicycle Network (WABN) when formulating their bike plans.
- Adherence to the guidelines and plans was required for local governments to be eligible to access funding from the Department of Transport to implement their own local Bike Plans.
- The City of Melville has set aside \$80,000 in the 2019-2020 budget for the preparation of a Bike Plan.
- The Council endorsement of the aspirational LTCN is required for local governments to access funding for the implementation of their own Bike Plans.

**BACKGROUND**

Western Australia has all the ingredients to be a great place for riding a bike - warm weather, rolling landscape and outstanding natural beauty.

Across Perth and Peel there is already a good level of existing bicycle infrastructure, however this can be further improved by developing an integrated network, which connects key destinations and suburbs with one another.

The Department of Transport (DoT) is working with 33 local government authorities in Perth and Peel to agree on bicycle routes that link parks, schools, community facilities and transport services, to make bike riding a convenient and viable option.

The aim of the Long Term Cycle Network (LTCN) project is to develop an aspirational blueprint to ensure State and Local Governments work together towards the delivery of one continuous bicycle network providing additional transport options, recreational opportunities and support for tourism and commercial activity. This will be achieved by creating a bicycle network catering for all ages and abilities.

This long term network had been agreed in principle between DoT and Local Government officers, and the network was subject to a review by Main Roads, Public Transport Authority (PTA) and Metronet teams in relation to any routes within, or crossing over, State controlled assets.

DoT have advised that it is a requirement to gain the Council's endorsement of the agreed LTCN across all 33 Local Governments in the Perth Metropolitan and Peel Regions.

Moving forward, the agreed long term network will guide funding allocated through the WA Bicycle Network Grants Program administered by DoT which the City would be applying for to combine with its own funding to undertake the necessary planning and implementation work.

**T20/3844 – LONG TERM CYCLING NETWORK – CITY OF MELVILLE (REC)  
(ATTACHMENT)**

**DETAIL**

Project Overview

The LTCN involved consultation with 33 local governments across Perth and Peel – the project aims to agree a long term aspirational bicycle network for the region.

The vision is for a network of safe and attractive bicycle routes:

- To provide continuous routes along major corridors
- To establish links between strategic, secondary, district, specialised activity centres and public transport services.
- To provide connections to schools, education sites and local centres.

Project History

In 2016, as part of the State Governments long term transport strategy (*Transport @3.5M*), the Transport Portfolio released the *Cycling Network Plan*.

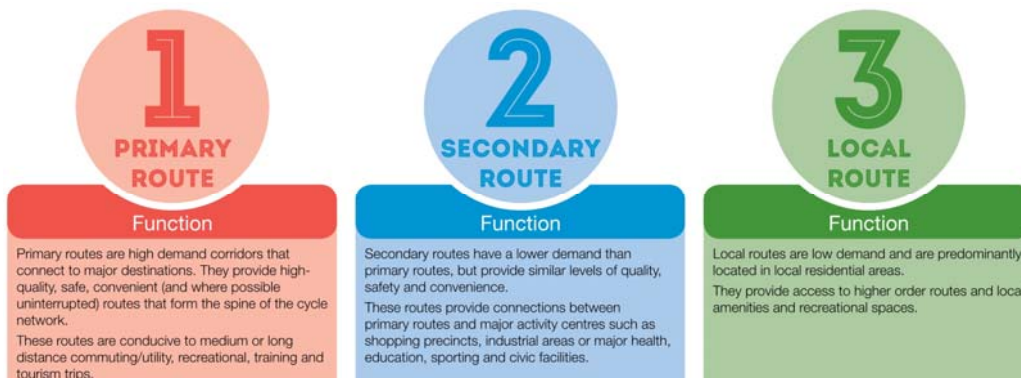
Up until now, the format for local governments when creating bike plans and requesting funding for projects has been guided by the WA Bicycle Network which was preceded by the Perth Bicycle Network.

The aspirational long term bicycle network identified within the *Cycling Network Plan* was based on a robust methodology of connecting all key activity centres, however the plan was developed in-house by DoT with little consultation with local governments due to the time constraints to deliver the project.

In 2017-18 DoT were successful in receiving funding across a 2 year period to deliver the LTCN project. This required DoT to undertake detailed engagement with 33 local governments across Perth and Peel to agree a long term aspirational bicycle network for the region that supports and addresses local and regional bicycle connections.

Long Term Cycle Network Project

The LTCN project started in July 2018 and is to be completed by June 2020. DoT and local government officers have worked together to identify LTCN routes, and categorise routes using a new simplified three tier route hierarchy of Primary Routes, Secondary Route and Local Routes. The categorisation of routes has been based on the function of a given route within the network:



**T20/3844 – LONG TERM CYCLING NETWORK – CITY OF MELVILLE (REC)**  
**(ATTACHMENT)**

Following DoT and local government officers agreeing an aspirational draft LTCN, the network was reviewed by Main Roads and PTA/Metronet teams. This process has ensured that these State agencies are aware of the aspirational LTCN routes proposed and have provided input to assist in shaping the network in relation to their State controlled assets.

Why is the Long Term Cycle Network Important?

An endorsed aspirational LTCN across the Perth and Peel region can assist in leveraging additional funding for bicycle infrastructure.

- It can assist State Government in any discussions/applications regarding Federal funding for bike riding (infrastructure/programs/campaigns).
- It can also assist DoT leverage additional funding for bicycle infrastructure – including funding made available to local governments via the WA Bicycle Network Grants Program administered by DoT.

An endorsed LTCN across the Perth and Peel region will assist with planning of the bicycle network and routes.

- It will assist State agencies (Main Roads/PTA/Metronet) with infrastructure planning and delivery.
- It will assist local governments with network planning, cross boundary connectivity and bicycle route prioritization and optimisation.

How will the Long Term Cycle Network be Updated in the Future?

DoT will be updating the guidance for local governments in relation to developing local bicycle plans. It is expected that the new guidance will require local governments to review their endorsed LTCN as part of the process of developing/updating their own Bike Plan.

[3844 City of Melville LTCN Map](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

As part of the process to develop or update a local bicycle plan, the City of Melville typically conduct public consultation to enable the community to assist in shaping the plan. It is envisaged that the City of Melville will seek community comment on the aspirational LTCN as part of this process to assist identifying local community aspirations and priorities. This information can be utilised to develop the local Bike Plan and assist with decision making and future planning for cycling related infrastructure and activities.

**II. OTHER AGENCIES / CONSULTANTS**

Nil.

**STATUTORY AND LEGAL IMPLICATIONS**

Nil.

**T20/3844 – LONG TERM CYCLING NETWORK – CITY OF MELVILLE (REC)**  
**(ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

1. There are no up front financial implications for the City.
2. Should the LTCN be endorsed the City will be eligible for future state government funding.
3. The 2019-2020 budget includes \$80,000 to prepare a Bike Plan.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
The Council will not endorse the aspirational LTCN and consequently DoT will not provide funding for future cycling routes.	Medium	The Council is briefed on the aspirational network and the long term benefits are well understood.
The public do not accept the LTCN.	Low	There will be in depth stakeholder engagement when formulating the City's Bike Plan. A route that is listed on the LTCN is aspirational and can change after community engagement and robust analysis.

**POLICY IMPLICATIONS**

Nil.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

If the LTCN is not endorsed the City will not be eligible for State Government Bicycle Network funding.

**CONCLUSION**

DoT is seeking the Council to endorse/adopt the aspirational LTCN agreed with local government officers. Endorsement of the LTCN does not commit the Council nor State Government agencies to deliver all, or any part, of the LTCN within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route within the LTCN.

Endorsement confirms support for Local and State Government agencies to work together in delivering the aspirational LTCN over the longer term.

**T20/3844 – LONG TERM CYCLING NETWORK – CITY OF MELVILLE (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3844)      APPROVAL**

At 7:06pm Cr Macphail moved, seconded Cr Kepert –

**That the Council endorse the Aspirational Long Term Cycle Network (LTCN) developed by the Department of Transport as shown in [3844 City of Melville LTCN Map](#).**

At 7:07pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M20/5000 – COMMON SEAL REGISTER (REC)**

Ward : All  
 Category : Operational  
 Subject Index : Legal Matters and Documentation  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Standard Item  
 Works Program : Not applicable  
 Funding : Not applicable  
 Responsible Officer : Bruce Taylor – Manager Governance and Property

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 15 November 2019 up to and including 20 March 2020 for the Council's noting.

**M20/5000 – COMMON SEAL REGISTER (REC)**

**BACKGROUND**

Section 2.5 of the *Local Government Act 1995* states that a Local Government is a Body Corporate with perpetual succession and a common seal. A document is validly executed by a Body Corporate when the common seal of the Local Government is affixed to it and the Mayor and the Chief Executive Officer (CEO) attest the affixing of the seal.

**DETAIL**

<b>Register Reference</b>	<b>Parties</b>	<b>Description</b>	<b>ECM Reference</b>
CS2139	City of Melville and Cottage & Engineering Surveys	Notification 70A for 124 Leach Highway Melville	5547572
CS2140	City of Melville and Electricity Networks Corporation	Gallery Estate Willagee Notification on Log 42 Fire Separation and Noise Compliance around substation Notification 70A	5553145
CS2141	City of Melville and Electricity Networks Corporation	Gallery Estate Willagee Restrictive Covenant surrounding Western Power Electrical Substation	5553144

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**M20/5000 – COMMON SEAL REGISTER (REC)****STATUTORY AND LEGAL IMPLICATIONS**

Section 2.5(2) of the *Local Government Act 1995* states:

*The local government is a body corporate with perpetual succession and a common seal.*

Section 9.49A (3) of the *Local Government Act 1995* states:

(3) *The common seal of the local government is to be affixed to a document in the presence of —*

- (a) *the mayor or president; and*
- (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

**FINANCIAL IMPLICATIONS**

There are no financial implications in this report other than that held in any contract advised above.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications in this report.

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a standard report for the Elected Members' information.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)****NOTING**

At 7:08pm Cr Wheatland moved, seconded Cr Robartson –

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 15 November 2019 up to and including 20 March 2020.**

At 7:08pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M20/5734 - ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

Disclosures of Interest

Member	Cr Barber
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Community groups associated with Mr Ross (SFPA) and Mr Maynier (ACAG) indirectly assisted my 2019 Local Government Campaign.
Request	Stay and Discuss and Vote
Decision	Stay and Discuss and Vote
Member	Cr Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Name was include in material from the Alfred Cove Action Group (ACAG) published in newspapers and distributed by email. ACAG has members in common with WARRA.
Request	Stay and Discuss and Vote
Decision	Stay and Discuss and Vote
Member	Cr Fitzgerald
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Potential interest per 5.62 of the Act
Request	Stay and Discuss and Vote
Decision	Stay and Discuss and Vote
Member	Cr Macphail
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Subject of complaint of minor breach SP2018-135 by Mr Ross
Request	Stay and Discuss and Vote
Decision	Stay and Discuss and Vote
Member	Cr Mair
Type of Interest	Interest under the Code of Conduct
Nature of Interest	I am acquainted with two of the WARRA executives.
Request	Stay and Discuss and Vote
Decision	Stay and Discuss and Vote
Member	Cr Sandford
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Donation by Swan Foreshore Protection Authority (of which Mr Ross and Mr Maynier are members) to 2019 election campaign.
Request	Stay and Discuss and Vote
Decision	Stay and Discuss and Vote

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Council Administration – Annual General Meeting
Customer Index	: Elected Members
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Works Programme	: Not Applicable
Funding	: No specific funding has been provided in the current budget to implement the motions that were supported, should the Council adopt those motions.
Responsible Officer	: Bruce Taylor Manager Governance and Property

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City of Melville Annual General Meeting of Electors was held Monday 3 February 2020, for the community to receive the Community Annual Report 2018-2019 for the year ended 30 June 2019.
- Four motions were presented by the electors at the meeting, all of which were carried by the majority of electors present at the meeting.
- The Minutes of the Annual General Meeting of Electors were presented and confirmed at the February 2020 Ordinary Meeting of Council.
- This item was initially presented for the consideration of Council at the 17 March 2020 Ordinary Meeting, but was withdrawn from the agenda at the request of the Presiding Member to be dealt with at the next Ordinary Meeting.
- In this report Officers have reviewed that item and provided comment on the motions and presented recommendations for the consideration of the Council.

**BACKGROUND**

Section 5.27 of the *Local Government Act 1995* requires that:

- “(1) *A general meeting of the electors of a district is to be held once every financial year.*
- “(2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- “(3) *The matters to be discussed at general electors’ meeting are to be those prescribed.”*

The *Local Government (Administration) Regulations 1996* prescribes:

*“15 For the purposes of section 5.27(3), the matters to be discussed at a general electors meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.”*

The Community Annual Report 2018-2019 was presented to, and accepted by the Council at its Ordinary Meeting held 10 December 2019.

**DETAIL**

The General Meeting of Electors was attended by 112 electors and 6 non-electors.

Four motions were presented to the meeting, all of which were carried and these are now presented for the Council to consider as follows:

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)****AGM MOTION 1**

Council undertakes an independent review of the efficiency and effectiveness of the City Administration's current approach and capabilities in relation to the provision of legal advice to the Mayor, Councillors and Administrative staff with specific consideration of:

- a) the City directly employing a qualified practicing lawyer, in a full-time senior employee role with accountabilities to Council and the CEO, to provide legal advice to Council and the administration in real-time, and
- b) providing a clear mechanism to allow Councillors/Council to select, engage and brief qualified external lawyers to provide advice on Council matters from time to time, independent of the City's administration.

Officer Comment

The *Local Government Act 1995* provides at Section **5.2. Administration of local governments** that:-

*The council of a local government is to ensure that there is an appropriate structure for administering the local government.*

It further provides at Section **5.36. Local government employees**

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

\* Absolute majority required.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person's employment.

Section **5.37 Senior employees** states:

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

Section **5.41 Functions of CEO** further states:

The CEO's functions are to —

- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020, MOTIONS CARRIED (REC) (ATTACHMENT)**

There is currently no designated senior or other employee's fulfilling the role of providing legal advice to the Council. Where such advice is considered necessary by the CEO or the Council it is sought from independent legal firms demonstrated to have the necessary skills and experience to provide advice on the matter being considered. The City currently receives advice from several legal firms. Legal services are procured from the WALGA Preferred Legal Services Panel in line with the Council's Procurement Policy and appointments are made depending on the matter under consideration and the specific expertise of each provider.

Legal advice received is, where necessary, generally obtained for the purpose of allowing the administration to provide advice to Elected Members in accordance with the CEO's obligations in terms of section 5.41(b) - *ensure that advice and information is available to the council so that informed decisions can be made;*

The obtaining of independent external legal advice provides an increased level of legal protection for Elected Members when voting on a matter before the Council.

In relation to part b) of the recommendation, should the Council request alternate advice to that obtained by Officers, a Council resolution would result in such legal opinion being obtained on behalf of the Council for their direct consideration.

The Council is referred to the responses provided to several questions asked relating to legal services at Public Question Time at the 18 February 2020 Ordinary Meeting of Council. In responding to these questions information was provided relating to the cost of obtaining external legal services in relation to advice and prosecutions.

It will be noted from the information provided in the responses to the 18 February 2020 question to the Council, that the City's costs for legal services is among the lowest across all metropolitan Local Governments. It is therefore the view of the CEO that, as demonstrated in those responses, the current arrangements the City has in place are efficient and effective.

Due to the broad nature of legal matters that are encountered when undertaking local government functions and duties it would be extremely difficult for a single lawyer to have sufficient expertise across all aspects of local government to be in a position to provide expert legal advice to the Council on all those matters. The volume of advice required would also likely be too great for a single practitioner and it is for this reason that selection from a panel of legal firms who, within their own firms have legal practitioners with particular specialisations, is considered a more suitable mechanism to secure the best advice in a timely manner.

In addition the motion refers to advice being provided in real-time however experience with legal practitioners shows that legal advice is rarely provided in real-time as the matters that advice is sought on are more often than not complex in nature and require proper due consideration of a range of matters, including statute and case law, before a legal practitioner is in a position to provide sound advice.

When obtaining opinions on behalf of Council, the CEO and/or relevant staff with experience in the briefing of external legal providers, will work with the elected members in formulating the brief for the opinions requested.

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

It is therefore the CEO's recommendation that the Council considers Motion 1, carried at the Annual General Meeting of Electors held 3 February 2020, relating to the provision of legal services, and requests the CEO to obtain benchmarking information with regard to the provision of legal services utilised by other local governments and report back to the Council at a future Elected Member Information Session.

**AGM MOTION 2****Council:**

- a) **directs the Chief Executive Officer to competitively market test the City's current insurance services supplier, LGISWA the WALGA appointed insurance scheme manager, by seeking proposals from a range of competing insurance companies; and**
- b) **participates in the assessment and selection of the supplier that offers the best value for money for the benefit of residents and ratepayers of the City.**

Officer Comment

This matter was considered by the Financial Management, Audit, Risk and Compliance Committee (FMARCC) meeting held on 9 March 2020 and is the subject of a separate report to the Council, C20\_6175, dealt with earlier in this agenda under the "Reports of Committees" heading.

**AGM MOTION 3**

**Council undertakes a fulsome review of the City Administration's community consultations, policies, procedures, practices and past performance to identify policy change opportunities to improve the community's perception of Council and Administration's openness, transparency, honesty, integrity, timeliness, level of two-way engagement and representation of, and responses to, adverse feedback. The review should consider the community's feedback on the Administration's past performance in relation to the specified criteria for a select number of past community consultations starting with Bert Jefferey Park proposed developments and include others such as the Wave Park, John Connell Reserve, Melville Glades Golf Course redevelopments, Beach St Bicton footpath, Attadale foreshore and Canning Bridge Activity Centre precinct apartment developments.**

Officer Comment

The City's Stakeholder Engagement Policy has been in place since 2011. It is subjected to ongoing review and improvements based on learnings from both engagements that the City undertakes, some of which go well and others not so well, and also from those practices undertaken by other local governments and organisations who undertake stakeholder engagements. The Policy was last reviewed in December 2019 and ratified by the Council at its meeting on 10 December 2019.

The Policy refers to the following commitments and standards for engagement processes - over and above those required by any legislation.

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

The commitments are those related to the Core Values for Public Participation by the International Association of Public Participation (IAP2) and are identified as follows:

- Recognising that those who are affected by a decision have a right to be involved in the decision-making process
- Acknowledging how the public's contribution influences the decision
- Recognising and communicating the needs and interests of all participants, including decision makers
- Seeking out and facilitating the involvement of those potentially affected by or interested in a decision
- Seeking input from participants in designing how they participate
- Providing participants with the information they need to participate in a meaningful way
- Communicating to participants how their input affected the decision

The Policy also makes reference to the Accountability Principals as defined in the AA1000 Stakeholder Engagement Standard 2015:

- Inclusivity – people should have a say in the decisions that impact on them
- Materiality- decision makers should identify and be clear about the issues that matter. A material issue is an issue that will influence the decisions, actions and performance of an organization or its stakeholders
- Responsiveness – organisations should act transparently on material issues

The most recent development intended to enhance stakeholder engagement practice was the development – and endorsement by Council – of a Stakeholder Engagement Strategy in 2018, containing the following goals:

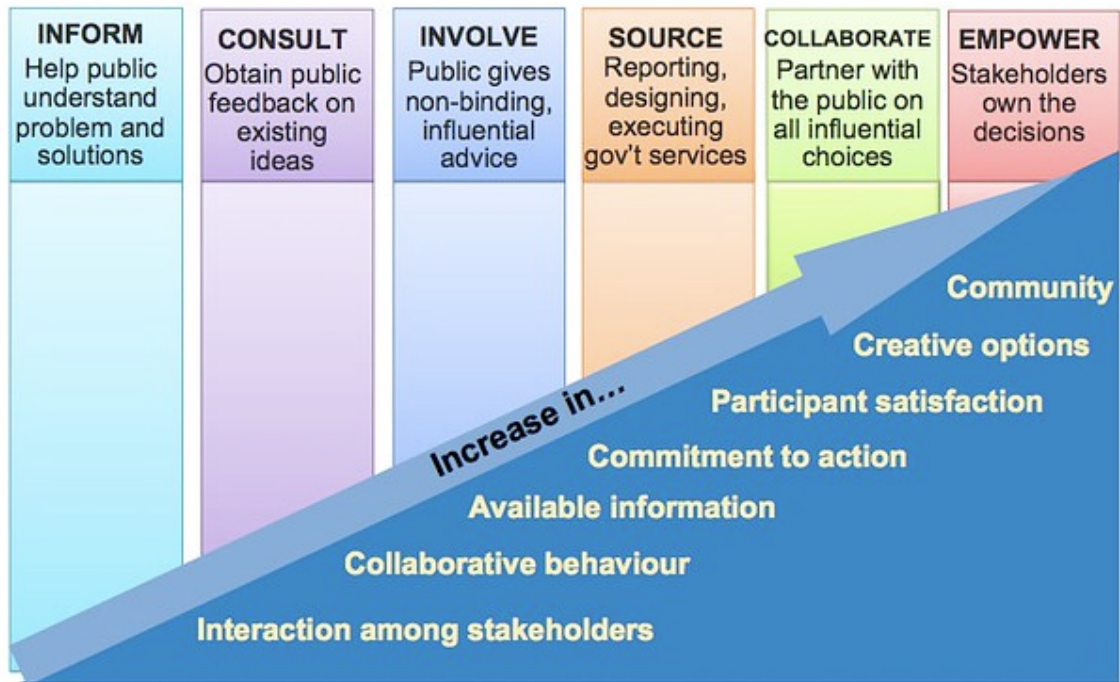
- To increase levels of public participation in local governance in ways that complement the decision-making role of Council;
- To increase community understanding of the processes of local governance including the roles and responsibilities of citizens, management and the Council;
- To increase Elected Member involvement in and promotion of stakeholder engagement processes.

As stated earlier, regular reviews are undertaken of Council and Operational Policies and processes in regard Community Engagement. The City also undertakes reviews of individual community engagement processes with various projects to ensure best practice and opportunities for improvement. An example of this is the independent external review of the engagement processes used for the redevelopment of Shirley Strickland Reserve which confirmed good practice with minimal opportunities for improvement.

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020, MOTIONS CARRIED (REC) (ATTACHMENT)**

Engagement takes different forms ranging from Informing to Empowering citizens as depicted in the following pictorial:

## Public Engagement Spectrum



Remix of info from IAP2, and Pat Bonner, USA EPA and Susanna Haas Lyons' practice (Engaging.ly)

The City is always aware that community engagement is a sensitive matter where decisions of the Council impact on residents. The City also acknowledges we are a learning organisation, which reviews processes, and seeks opportunities for improvement to better each engagement practice. Unfortunately in any process that involves community engagement there will be residents who are unhappy with the outcome that the engagement has informed. The City's engagement processes seek to be transparent and to acknowledge that this will occur.

For the Council to undertake such a review as suggested in Motion 3 would be a costly exercise in the estimated vicinity of \$35,000. It is not considered good value for money in examining a range of past projects for which the purpose is unclear. Past and current engagement processes include an evaluation of learnings and review.

The City acknowledges the community interest in stakeholder engagement and to address this is now introducing a Community Feedback Panel which will provide input regarding various engagement processes. All engagement opportunities are available at [www.melvillecity.com.au/melvilletalks](http://www.melvillecity.com.au/melvilletalks) and are promoted widely via various channels including electronic direct mail to thousands of subscribers, social media and more traditional forms of media, to bring this to the attention of the community. The newly introduced "Conversations with the Mayor" will also provide opportunities for engagement with residents and ratepayers.

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020, MOTIONS CARRIED (REC) (ATTACHMENT)**

Officers recommend that Motion 3 carried at the Annual General Meeting of Electors held 3 February 2020, requesting a review of the City Administration's community consultations, policies, procedures, practices and past performance to identify policy change opportunities, be noted, and the continued emphasis and increased visibility of the City's community engagement processes, including the introduction of the Community Feedback Panel and Conversations with the Mayor, be considered and the CEO requested to ensure Community Engagement processes are continuously improved and those improvements reported to Council on an annual basis and independently audited on a triennial basis.

**AGM MOTION 4**

**That the Council of the City of Melville resolves that the City of Melville make an ongoing annual payment to the West Australian Ratepayers and Residents Association Incorporated.**

- (i) Such payment to be the same dollar for dollar amount as the annual subscription fee paid by the City of Melville to the West Australian Local Government Association in the applicable year; and**
- (ii) The Council directs the CEO to immediately implement this resolution.**

Officer Comment

This same motion was presented at last years Annual Meeting of Electors (held 5 December 2018) by Mr C Ross seconded by Mr D Maynier. That motion was

*“That the Council of the City of Melville resolves that the City of Melville make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.*

- (i) Such payment to be the same dollar for dollar amount as the subscription fee paid by the City of Melville to the West Australia Local Government Local Government Association in the applicable year; and*
- (ii) The Council directs the CEO to immediately implement this resolution.”*

That motion was presented to the 19 February 2019 Council meeting for consideration - *Item M19/5663 – General meeting of Electors Held 5 December 2018, Motions Carried* and the Officer comment provided in that report is as follows.

*‘The West Australian Ratepayers and Residents Association Incorporated (WARRA), was incorporated on 7 December 2019, two days after the Annual Meeting of Electors.*

*The WARRA’s address is registered to a Mr Clive Ross and it is noted that, Mr Clive Ross was also the mover of the motion. This conflict of interest was not disclosed at the meeting by the mover of the motion.*

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

The “Application for incorporation of an association” form describes the objects or purposes of an association as follows:

*“The objects or purposes of the Association are to facilitate and promote community consultation, participation and co-operation between ratepayers and residents and Local Government Authorities so as to ensure full compliance by the Local Government Authorities and Elected Members with the Local Government Act, Planning provisions and associated requirements and ensure transparency and accountability by Local Government Authorities and Elected Members.” The association’s main objects are stated to be as “Promotion of the interests of a local community.”*

*The Electors Motion links the fee to be paid to WARRA, to the level of fee paid to the West Australian Local Government Association (WALGA). WALGA is established under the auspices of the Local Government Act 1995 (Section 9.58).*

*WALGA has the objects and functions as set out in its constitution which cannot be changed without approval of the Minister. WALGA provides a broad range of services to Local Government in return for the \$53,712 net of GST fee paid in 2018-2019. WALGA also operates across the State and not just in one local government area. No justification for the level of fee required by the motion was or has been provided by the mover.*

*It is noted that the objects and purposes of WARRA duplicate the roles already undertaken by the Mayor and Councillors, the Minister or Departmental CEO as designated in the Local Government Act 1995 and those of other oversight State Government agencies.*

*Payment of an annual fee to this newly established association to undertake services already undertaken by democratically elected or authorised representatives and agencies, with powers conferred by legislation would be an unnecessary and irresponsible expenditure of funds.*

*It is also outside the powers of the Council to commit to a payment in perpetuity. Officers recommend that motion 2 of the General Meeting of Electors held 5 December 2018, not be supported by the Council.”*

In relation to the 19 February 2019 motion the Council resolved the following

- 1. Notes the intent of the motion.**
- 2. Notes that the objects and purpose of the West Australian Ratepayers and Residents Association Incorporated duplicate roles already undertaken by Elected Members, State Government Agencies and State legislation.**
- 3. Resolves not to accept the Electors’ motion to make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.**
- 4. Directs that the Chief Executive Officer inform the mover of the Motion of the Council’s decision in writing.**

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

In addition to the information previously provided (above) the WARRA website has limited information such as a sufficient structure, budget and governance through which assistance can be given to the local government that is available from WALGA, with several links not providing any information. The website does provide a Mission Statement that states

*“The West Australian Ratepayers & Residents Association Incorporated (WARRA) has been established to provide advocacy and support to community groups and other stakeholders (including business entities) of Local Governments.*

*WARRA is not party political and is a not for profit organisation currently resourced by volunteers only. Membership is available to individuals, Ratepayer and Resident groups, business associations or special interest (eg environmental) groups. Subscription is free. Donations are voluntary and much needed and so will be gratefully accepted.*

**“Of the people, by the people, for the people”**

*Abraham Lincoln, “Gettysburg Address” (19th November 1863)*

*The mission of the West Australian ratepayers and residents’ association incorporated is to advocate on behalf of and represent the community of Western Australia (metropolitan and country). As the peak community representative, it will establish changes in legislation, policies and procedures. These changes will set mandatory standards for open community consultation, communication, excellence in governance, accountability and transparency in Local Government Authorities.”*

WARRA has an ABN however, is not currently registered for GST.

The City is aware that similar requests have been made to other Local Governments but it appears has not received commitments for funding. If the City of Melville or only a few Local Governments commit funds, then the equity issue of Melville contributing to an organisation that is stating that it represents all local governments in the State should be of a concern.

Other organisations that the City provides funding to such as the Melville Cockburn Chamber of Commerce and the South West Group of Councils etc, the City either has Memorandums of Understanding in place and/or representatives on those bodies and are provided with copies of annual reports, business plans, audited financial statements etc.

An Officer Report and recommendation was initially prepared and presented in the published agenda for consideration of Council at the 17 March 2020 Ordinary Meeting, but was subsequently withdrawn from the agenda at the request of the Presiding Member to be dealt with at the next Ordinary Meeting.

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

In the published agenda, part of the Officer recommendation was for the Council to request the CEO to obtain information from the Association including providing;

- A copy of the constitution
- Details of current Office Bearers
- Current Business Plan and Budget
- Previous year audited financial statements and Annual Report
- Indicate what approaches have been made to other local governments
- If any other local governments committed finances to support the Association
- Advice to the City of Melville how the funds will be specifically expended and the benefits the City will receive.

Since the publishing of the proposed agenda the mover of the motion and Chairman of the West Australian Ratepayers and Residents Association Incorporated, Mr C Ross, had circulated additional information directly to Elected Members and the City as follows:

*“Dear All,*

*In relation to the above Item concerning a Motion to provide funding to a Community Association WARRA, the City has recommended that further information should be obtained before making a decision.*

*The further information required is as follows:*

*A. Copy of Constitution of the Association - Please see attachment.*

*B. Details of Office Bearers*

- 1. Clive Ross - Chairman*
- 2. Simon wheeler - Deputy Chairman*
- 3. Beth Hewitt - Treasurer*
- 4. David Maynier – Secretary*

*C. Business Plan - Please see attachment*

*D. Budget - As the Association has not had any income there is no budget.*

*E. Previous Year Audited financial Statements. As the Association is a small Association it is not required to prepare Audited financial statements. Should the Association receive income the Associations financial statements would be audited going forward. A copy of the financial statement for the Y/E 30 June 2019 is attached.*

*F. Financial support from other LGAs – NIL*

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020, MOTIONS CARRIED (REC) (ATTACHMENT)**

*G. How the funds will be specifically expended and the benefits to the City of Melville. - The funds will be expended in accordance with the Objects of the Association. WARRA members have been working closely with a number of City of Melville residents and community groups and assisting them with their representations to the City. In addition, WARRA is making representation to the Local Government Act Review and the State Planning Minister to obtain changes and clarification on planning issues. All of these matters have an impact on the City of Melville and the Community in the City of Melville and as well as the benefits of certainty and transparency in the governance of the City, residents will have peace of mind and reduced stress. The overall benefits are widespread and the mental impact of the current changes should not be underestimated.*

*Please also find attached a submission to Council.*

*Members of WARRA are happy to meet with Councillors on an individual or group basis to answer any questions or provide further information.”*

The four attachments are

[5734 WARRA Rules](#)

[5734 Business Plan](#)

[5734 WARRA Financial Statement 30 June 2019](#)

[5734 WARRA Submission](#)

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The date, time, location and purpose of the General Meeting of Electors was advertised in the local and state newspapers, on the City of Melville website and on City of Melville noticeboards at the Civic Centre, Libraries and Recreation Centres in accordance with the requirements of the Local Government Act. Additional social media advertising was also undertaken.

The advertising and holding of the General Meeting of Electors gave interested members of the community the opportunity to participate in the discussion, question time and voting on the motions.

There has been no specific consultation or engagement with the Community in preparing this report.

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with LGIS on services provided has been undertaken to assist in preparing an Officer Report in relation to Motion 2. No other consultations have been undertaken relating to the other motions.

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

As noted under Detail in the body of this report.

**FINANCIAL IMPLICATIONS**

No specific funding has been provided in the current year budget to implement or undertake any actions in relation to the motions carried at the Annual General Meeting of Electors.

Funding implications would be determined following the Council resolution in relation to each motion.

Any allocation of funds from the current adopted budget would require an Absolute Majority decision of the Council.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Strategic and risk implications will need be considered depending on the Council resolution in relation to each motion.

**POLICY IMPLICATIONS**

Council Policy CP-002 Stakeholder Engagement is relevant to Motion 3.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council is required by the *Local Government Act 1995* to consider any motions passed at a General Meeting of Electors. In relation to the four motions carried there are several options relating each motion, the most obvious being to support the motion(s) carried. The Council is required to record the reasons in the minutes for a decision that is different to that of a recommendation.

**CONCLUSION**

Officers have provided comments on individual motions carried at the General Meeting of Electors held 3 February 2020. This report recommends that the associated officer comments and recommendations be considered.

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5734 -1) APPROVAL**

At 7:09pm Cr Mair moved, seconded Cr Wheatland –

**Electors Motion 1**

**That the Council has considered Motion 1, carried at the Annual General Meeting of Electors held 3 February 2020, relating to the provision of legal services, and requests the CEO to obtain benchmarking information with regard to the provision of legal services utilised by other local governments and report back to the Council at a future Elected Member Information Session.**

At 7:14pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**Electors Motion 2**

That the Council notes that this motion is dealt with in Item C20\_6175 contained in the Report from the Financial Management, Audit, Risk and Compliance Committee listed under the “Reports of Committees” heading, dealt with by the Council earlier in this meeting.

See page 8.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5734 -3) APPROVAL**

At 7:14pm Cr Mair moved, seconded Cr Barber –

**Electors Motion 3**

**That the Council has considered Motion 3, carried at the Annual General Meeting of Electors held 3 February 2020, and directs the CEO to continue to enhance community engagement processes, have those processes independently audited on a triennial basis and to report back to the Council on improvements made during the course of each year.**

At 7:15pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (5734 -4)****APPROVAL****Electors Motion 4**

At 7:16pm Cr Fitzgerald moved, seconded Cr Robins –

**That the Council:**

1. has considered Motion 4, carried at the Annual General Meeting of Electors held 3 February 2020, and the further information provided by the West Australian Ratepayers and Residents Association Incorporated relating to making a financial contribution to the Association, and
2. Whilst not approving any payment, as requested in the Motion at the Annual General Meeting, at this time, requests the CEO to inform the Council of any further information received by the City relating to the ongoing development and evolution of the Association, its activities and its demonstrated and potential value to the City.

**Amendment**

At 7:17pm Cr Mair moved, seconded Cr Wheatland-

**That the officer recommendation associated with Electors Motion 4 be amended by:**

1. Deleting point 2 and replace with the following words:

**“Notes that the objects and purpose of the West Australian Ratepayers and Residents Association Incorporated duplicate roles already undertaken by Elected Members, State Government Agencies and State legislation.”**

2. Adding a new point 3 as follows:

**“Resolves not to approve an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.”**

3. Adding a new point 4 as follows:

**Directs that the Chief Executive Officer inform the mover of the Motion of the Council's decision in writing.**

At 8:10pm the Mayor declared the motion

**LOST (6/7)**

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

<b>Vote</b>	
Cr Macphail	Yes
Cr Mair	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Barber	No
Cr Barton	No
Cr Fitzgerald	No
Cr Kepert	No
Cr Pazolli	No
Cr Sandford	No
Mayor Gear	No

*Mr Rae left the meeting at 8:05pm and returned at 8:06pm*

**Amendment**

**COUNCIL RESOLUTION**

At 8:13pm Cr Kepert moved, seconded Cr Robins –

**That the officer recommendation be amended to include at point 1:**

**“That the Council recognises the West Australian Residents and Ratepayers Association (WARRA) as a body that aims to represent Residents and Ratepayers in Western Australia.”**

**and that the existing points be renumbered accordingly.**

At 8:24 pm the Mayor declared the motion

**CARRIED (9/4)**

<b>Vote</b>	
Cr Barber	Yes
Cr Barton	Yes
Cr Fitzgerald	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Mair	Yes
Cr Sandford	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Macphail	No
Cr Robartson	No
Cr Robins	No
Mayor Gear	No

**M20/5734 – ANNUAL GENERAL MEETING OF ELECTORS HELD 3 FEBRUARY 2020,  
MOTIONS CARRIED (REC) (ATTACHMENT)**

*At 8:15pm Mr Ferris left the meeting and returned at 8:18pm.*

**Substantive Motion as Amended****COUNCIL RESOLUTION**

At 7:16pm Cr Fitzgerald moved, seconded Cr Robins –

**Electors Motion 4**

**That the Council:**

- 1. recognises Western Australian Residents and Ratepayers Association (WARRA) as a body that aims to represent Residents and Ratepayers in Western Australia.**
- 2. has considered Motion 4, carried at the Annual General Meeting of Electors held 3 February 2020, and the further information provided by the West Australian Ratepayers and Residents Association Incorporated relating to making a financial contribution to the Association, and**
- 3. Whilst not approving any payment, as requested in the Motion at the Annual General Meeting, at this time, requests the CEO to inform the Council of any further information received by the City relating to the ongoing development and evolution of the Association, its activities and its demonstrated and potential value to the City.**

At 8:30pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M20/5744 – REVIEW OF COUNCIL POLICY CP-096 - NAMING OF ROADS, PARKS, BUILDINGS AND INFRASTRUCTURE (REC) (ATTACHMENT)**

Ward	:	All
Category	:	Policy
Subject Index	:	Policy and Policy Development Council Administration – Policy & Policy Development
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item P20/3833 Submissions on Naming of New Roads Carawatha Redevelopment Project (“Gallery”), 10 Archibald Street, Willagee – 18 February 2020 Ordinary Meeting of Council.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Louis Hitchcock Executive Manager Governance and Legal Services

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M20/5744 – REVIEW OF COUNCIL POLICY CP-096 NAMING OF ROADS, PARKS, BUILDINGS AND INFRASTRUCTURE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of the Council held 18 February 2020, it was resolved that a review of Council Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure be undertaken.
- CP-096 has been reviewed to simplify the development and approval of the Schedule of names and the naming process, while improving the community's participation in selecting new names for roads, parks, buildings and infrastructure assets.
- The revised Policy is presented to the Council for consideration and adoption.

**BACKGROUND**

At the Ordinary Meeting of the Council held 18 February 2020, when considering the submissions received on naming of the new roads at the Carawatha "Gallery" project, 10 Archibald Street, Willagee, the Council also resolved to direct:

*the Chief Executive Officer to conduct a review of Council Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure and related procedures and report back to Council as a separate item.*

The policy has now been reviewed to simplify the review and approval of the Schedule of names and the naming process, while improving the community's participation in selecting new names for roads, parks, buildings and infrastructure assets.

**DETAIL**

In its current form CP-096 was considered to be restrictive and required the Schedule of Names to be adopted by the Council and then for each instance of naming or renaming an asset to be referred to the Council at least twice. The review of the policy has attempted to simplify the process which will allow for the naming of assets to be undertaken more expeditiously. The Policy review has also attempted to differentiate the process for adding names to the City's Schedule of Names, and formally naming a City Asset.

Under the current policy the Schedule of Names was to be reviewed at least every two years. The review included engagement with the community to allow the community to submit any new names for consideration to the Schedule of Names. Suggested names were reviewed against Geographic Names Committee (GNC) names criteria and presented to the Council for inclusion on the Schedule of Names.

In the revised policy [5744 CP-096 Naming of Roads, Parks, Buildings and Infrastructure Policy](#) it is proposed that after community advertising and consultation and assessment against the GNC Standards, a report on the suggested names that meet the criteria will be presented to the Chief Executive Officer for consideration to be included on the Schedule of Names. The CEO would advise Elected Members in the Elected Members Bulletin of the names proposed to be added to the Schedule. A full list of the Schedule of Names that meet the criteria of this policy will be presented to the Council at least every four years.

**M20/5744 – REVIEW OF COUNCIL POLICY CP-096 NAMING OF ROADS, PARKS, BUILDINGS AND INFRASTRUCTURE (REC) (ATTACHMENT)**

The Policies and Standards for GNC in Western Australia have different criteria for each class of asset i.e. roads have a different criteria to park/reserve Names, and different criteria exist for naming regional parks compared to local parks etc.

The use of traditional Aboriginal names is encouraged for features, localities and roads, subject to agreement from the relevant Aboriginal communities. The identification of a name (or names) of Aboriginal heritage is encouraged to be undertaken by local governments and relevant Aboriginal groups.

The standards also describe the consultation process that is recommended that includes developing a consultation strategy, determining who should be consulted and how to invite feedback.

Under the current policy when naming an asset, officers prepare a shortlist of potential names from the Schedule and present the names to the Council to adopt a preferred name and then proceed with community consultation. The outcome of the community engagement is then presented to the Council to adopt a final name. This name may be different to the one originally supported or the name supported by the community.

In the revised policy it is proposed that Officers would prepare a shortlist of potential names from the Schedule of Names, and undertake consultation in accordance with Landgate's GNC Policy and Standards consultation process. A report would then be presented to the Council on the outcome of the community consultation process and a recommendation presented to the Council for endorsement and referral to Landgate.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

There has been no specific consultation or engagement with the Community in reviewing this policy. The community will be engaged and involved in nominating names to be included on the Schedule of Names and when the shortlisted names are advertised in relation to each City Asset naming opportunity.

**II. OTHER AGENCIES / CONSULTANTS**

There has been no consultation with external agencies or consultants relating to the other motions.

**STATUTORY AND LEGAL IMPLICATIONS**

Local Governments responsible for the administering of land within Western Australia are required to make submissions to Landgate for any naming proposal for place names, features, administrative boundaries, localities or roads within their jurisdiction.

The naming and renaming of assets is to be undertaken in accordance with the GNC Policy and Standards for Geographical Naming (GNCPS) in Western Australia.

**M20/5744 – REVIEW OF COUNCIL POLICY CP-096 NAMING OF ROADS, PARKS, BUILDINGS AND INFRASTRUCTURE (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the review of this policy.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Risk of inaccurately assessing the community needs, aspirations and areas of interest through an inequitable and ineffective process.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	Ensure policy and processes are in place to mitigate the likelihood of occurrence and ensure good governance practices and organisational transparency to meet legislative requirements and community expectations.

**POLICY IMPLICATIONS**

The reviewed policy will simplify the development and approval of the Schedule of Names and the naming of City Asset's process; while improving the community's participation in selecting new names for roads, parks, buildings and infrastructure assets.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council can choose any combination of the use of the Elected Members Bulletin, Information Sessions and/or Council meetings to improve the process of developing the Schedule of Names and the referral of supported names to Landgate. The current process is convoluted and time consuming in that it requires at least two separate officer reports to be presented to the Council, which, when including advertising and community engagement, can take three to four months to deal with each naming process.

**CONCLUSION**

It is recommended that the revised policy CP-096 Naming of Roads, Park, Buildings and Infrastructure Policy be adopted.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5744) APPROVAL**

At 8:31pm Cr Wheatland moved, seconded Cr Robartson –

**The Policy presented has been reviewed to simplify the compilation and review of the Schedule of Names and the naming of City Assets.**

**That the Council approves the reviewed 5744 CP-096 Naming of Roads, Parks, Buildings and Infrastructure Policy, as contained in the attachment.**

At 8:31pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Review of Local Planning Policy 1.1 ‘ Planning Process and Decision Making’
Applicant	:	Not applicable
Owner	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P17/3747 - Review Of Local Planning Policy LPP 1.1 Planning Process And Decision Making. M19/5723 - Summary Of Legal Advice On Withdrawal Of Delegated Authority To Submit Responsible Authority Reports To Joint Development Assessment Panel December 2019 OCM - Motion With Notice - 16.3 Cr Barton – Planning Process and Decision Making Policy LPP 1.1 (Withdrawn)
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Local Planning Policy 1.1 ‘Planning Process and Decision Making’ was most recently reviewed by Council in 2017.
- At the December 2019 Ordinary Council Meeting, it was resolved to change the process for dealing with development applications which will be determined by the Development Assessment Panel.
- ‘Local Planning Policy 1.1 ‘Planning Process and Decision Making’ is required to be updated to reflect these changes.
- It is also proposed to change ‘Local Planning Policy 1.1 ‘Planning Process and Decision Making’ to ensure that terminology used is consistent with the Planning and Development (Local Planning Schemes) Regulations 2015, to modify the DAU call up procedure and to clarify the advertising requirements for ‘Major Developments’.
- The amendments are considered to be minor in nature and do not require formal consultation under the provisions of the Planning and Development (Local Planning Schemes) Regulations.

**BACKGROUND**

In Western Australia the planning framework is set by the state government, via the Planning and Development Act 2005. This sets out the system of land use planning and development in the State. There are several sets of regulation which sit under the Planning and Development Act such as the Planning and Development (Local Planning Schemes) Regulations 2015 and the Planning and Development (Development Assessment Panel) Regulations 2011.

Planning and Development (Local Planning Schemes) Regulations 2015 are particularly detailed. This document sets out the process for dealing with various planning matters such including development applications, subdivision and changes to the planning framework. The regulations are very specific, providing significant amounts of details with regard to every process. By consolidating the process into one document the State Government has attempted to ensure there is consistency across local governments. The process for dealing with DAP application is set out in the DAP Regulations, however this is largely the same as for standard DA’s,

Subsequent to these regulations there are multiple State Planning Policies, planning bulletins, development control policies and position statements produced by the Department of Planning Lands and Heritage. Finally the Local Planning Scheme and Local Planning Policies need to be taken into consideration.

Local Planning Policy 1.1 ‘Planning Process and Decision Making’ has the following policy objectives:

- To promote a consistent approach by the City in the assessment and public advertising of development applications.
- To facilitate community input into the decision making process.
- To provide information to both applicants and submitters regarding the planning application assessment process.

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**

At the December 2019, Ordinary Council Meeting (OCM), it was resolved that changes would be made to the process for dealing with Development Assessment Panel (DAP) applications. Specifically, this resolution requires that the CEO does not provide the Responsible Authority Report (RAR) to the JDAP where the RAR is the subject of a call up to Council for its information.

At the December 2019 OCM, a Notice of Motion was proposed by Cr Barton which called for all development application to go through the Development Advisory Unit process as described in Local Planning Policy 1.1 ‘Planning Process and Decision Making’ (LPP1.1). A decision on this Notice of Motion was deferred pending discussion at an Elected Members Information Session, to take place ahead of the March 2020 OCM.

After discussions with Officers, Cr Barton withdrew the Notice of Motion on the basis that changes would be proposed to LPP 1.1 to streamline the DAU to Council call up procedure. This change would essentially remove the need for Elected Members to justify any call up request, as is required by the current policy provisions, also removing the need for a meeting to take place with the Director Urban Planning and/or the Manager Statutory Planning to discuss the nature of and associated reasons for the call up request.

**DETAIL**

At the December Ordinary Council Meeting it was resolved to put the following procedures in place in relation to the way the City deals with applications which will be considered by the JDAP:

- 1) The Council must be alerted to each development application to be determined by the JDAP as soon as it is received by the City, by means of circulating the details of the development application to all Elected Members, in order to facilitate the potential call up of the development application.
- 2) Where a development application is called up, the City’s officers are to prepare the RAR in accordance with the statutory framework and submit it to a Special Meeting of Council for comment in sufficient time to meet the requirements of the JDAP statutory time period for the application.
- 3) Where a development application has been called up, the CEO may not submit the RAR to the JDAP until the Council has resolved that it be submitted, with dissenting comments from the Council attached if so resolved.
- 4) If a development application to be determined by the JDAP is not called up, the RAR may be prepared and submitted under delegated authority by the CEO in accordance with DA-020.

In order to formalise these changes, the City is required to update and add various subclauses in section under clause 3.7 ‘Development Assessment Panel’ of LPP1.1. The changes ensure that Elected Members will be alerted to the details of a development application soon after it is lodged with the City via a notice in the EMB, a Major Development Briefing and the Melville Talks page on the website. The changes also confirm that when a RAR is called up to Council for its information, City officers will prepare the RAR and submit it an appropriate meeting and the report will not be sent without Council endorsement.

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**

It was also resolved to amend the instrument of Delegated Authority DA-20 ‘Planning and Related Matters’ to add the following limitation.

‘Should a development application be called up by Council, the Chief Executive Officer may not make recommendations to the Joint Metro Central Development Assessment Panel without first seeking Council’s comment on the application and the planning officer’s recommendations in the Responsible Authority Report, and attaching to the RAR the Council’s comments as approved by Council.’

This action has now been undertaken.

The following key changes are also proposed as a part of the current review:

- 1) Modify Clause 3.5.4 ‘Call Up of DAU applications for consideration by Council’ so that Elected Members no longer need to justify in material planning terms why a DAU matter should be called up for the consideration and determination of Council. Rather, a simple request from an Elected Member to have a matter from the DAU called up to Council will suffice.
- 2) Modify Clause 1.7 to confirm Major Developments will be the subject of public consultation and to clarify the methods used to undertake this consultation.
- 3) Delete Clause 1.8 Major Developments as this clause is made redundant by the changes to Clause 1.7.
- 4) A number of grammatical changes to ensure the terminology used in the policy is consistent with the relevant planning framework and to provide greater clarity on the process where required.

A copy of the proposed policy is provided below with tracked changes to clearly demonstrate the modifications.

The proposed changes to LPP 1.1 are considered to be minor in nature and do not require advertising.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The Regulations came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. In accordance with Sub-Clause 5(1) the local government should advertise the changes to the Local Planning Policy in the same manner as it would for a new policy, described in Clause 4, unless the modifications are considered minor. In this instance it is considered that the recommended modifications are minor and formal advertising is not required.

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

Clause 4(4) of Schedule 2 of the Regulations requires that the Council advises the Western Australian Planning Commission (WAPC) if it is of the opinion that the policy is inconsistent with any State Planning Policy. As there is no such inconsistency in this case, the WAPC need not be informed.

**STATUTORY AND LEGAL IMPLICATIONS**

The review of a Local Planning Policy, provided such a review is undertaken in accordance with the provisions of the Regulations, does not in itself have any statutory or legal implications.

The statutory and legal implications of withdrawing delegation to submit an RAR to the JDAP were outlined in detail at the December Ordinary Council meeting (Item **M19/5723**). These implications remain.

If a RAR is not submitted in the required timeframe, the JDAP has the power to request separate technical advice from the City’s planning officers or to determine an application without a RAR.

**FINANCIAL IMPLICATIONS**

There are no financial implications identified as a part of this review

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The strategic, risk and environmental implications of withdrawing delegation to submit an RAR to the JDAP were outlined in detail at the December Ordinary Council meeting (Item M19/5723). These implications remain.

**POLICY IMPLICATIONS**

Local Planning Policy LPP 1.1 Planning Process and Decision Making enable a consistent approach by the City in relation to the assessment and public advertising of development applications.

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)****COMMENT**

At the December Ordinary Council Meeting it was resolved to put the following procedures in place in relation to the way the City deals with applications which will be considered by the JDAP. The procedures are outlined below along with a brief comment regarding how this has been achieved.

- 1) The Council must be alerted to each development application to be determined by the JDAP as soon as it is received by the City, by means of circulating the details of the development application to all Elected Members, in order to facilitate the potential call up of the development application.

Clause 3.7.6 has been updated to confirm Elected Members will be made aware of the details of the DAP application via the Elected Members Bulletin, and further detail will be provided at a Major Development Briefing and on Melville Talks once the advertising period begins. Clause 3.7.8 has also been updated to confirm that Elected Members will be provided with a summary of the submissions received at the end of the consultation process. Notification to Elected Members of the receipt of a DAP application, briefings to Elected Members on DAP applications and notification to Elected Members of the outcomes of community consultation is already occurring as a part of the assessment process, it is considered that the changes to the LPP will provide Elected Members with more comprehensive information about DAP applications at an earlier stage.

- 2) Where a development application is called up, the City’s officers are to prepare the RAR in accordance with the statutory framework and submit it to a Special Meeting of Council for comment in sufficient time to meet the requirements of the JDAP statutory time period for the application.

Clause 3.7.9 has been updated to confirm this will occur. The Clause clarifies that the RAR will be presented to either an Ordinary Council Meeting or a Special Council meeting if this is appropriate.

- 3) Where a development application has been called up, the CEO may not submit the RAR to the JDAP until the Council has resolved that it be submitted, with dissenting comments from the Council attached if so resolved.

Clause 3.7.10 has been updated to confirm that if the application has been called up to Council. the RAR must not be submitted without Council endorsement.

- 4) If a development application to be determined by the JDAP is not called up, the RAR may be prepared and submitted under delegated authority by the CEO in accordance with DA-020.

Clause 3.7.12 has been added to LPP 1.1.

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**

In respect of the Call Up procedure outlined in Clause 3.5.4 (a) the need for a call up request to be signed by two Elected Members and for consultation with the Director of Urban Planning or the Manager Statutory Planning has been removed. If an Elected Member wishes to call up a matter it is simply necessary to lodge the request with the CEO using the appropriate form.

In respect of Clause 1.7.7 - Extent of Advertising, several clauses were used to describe the consultation methods to be used by the City. These clauses have now been consolidated. Clause 1.7.7 has also been amended to confirm that Major Developments will be the subject of wider consultation. If valid submissions are received during the consultation period the submissions will be dealt with in accordance with Clause 1.9 ‘Submissions and Petitions’. On the basis of this change Clause 1.8 has been deleted.

A number of minor changes have been made to the policy to ensure that it is consistent with the relevant planning framework. These changes include;

- Changes to the policy objectives to better reflect the purpose of the policy;
- The term planning approval updated to development approval throughout the document;
- Clarification on the statutory timeframe for dealing with applications;
- Clarification that a performance assessment is required having regard to the relevant planning framework;
- Update to reflect current clauses of the R-Codes;
- Changes to sentence structure to improve the flow of the document and to remove any areas of uncertainty or un-necessary repetition.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may resolve not to proceed with the changes outlined above or determine that further changes to the policy are required.

**CONCLUSION**

In conclusion, it is recommended that LPP 1.1, Planning Process and Decision Making, be amended as outlined by this report. As stated previously, it is considered that, if approved by Council, the changes proposed can be implemented without the need for further community consultation.

If Council resolve to endorse the changes, a notice will be published in the local newspaper as required by the Regulations. The City will also provide details of the changes including a copy of this report on its website.

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (3840)****APPROVAL**

At 8:48pm Cr Sandford moved, seconded Cr Kepert –

**That the Council pursuant to Clause 4, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the changes to Local Planning Policy LPP1.1 Planning Process and Decision Making as detailed below in the attachment.**

**[3840 LPP1.1 Planning Process and Decision Making](#)**

*At 8:35pm Mr McCarthy left the meeting and returned at 8:36pm.*

*At 8:45pm Cr Woodall left the meeting and returned at 8:49.*

*At 8:48pm Cr Barton left the meeting and returned at 8:50.*

*At 8:48pm Cr Sandford left the meeting and returned at 8:49pm.*

*At 8:50pm Mr Tieleman left the meeting and returned at 8:52pm.*

*At 8:54pm Mr Rae left the meeting and returned at 8:55pm.*

**LATE ITEM P20/3840 – REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**

Officers provided an Advice Note on the proposed amendment ([3840 Advice Note](#))

**Amendment**

At 8:50pm Cr Pazolli moved, seconded Cr Barber–

**That the Officer Recommendation be amended by adding the following to the end of the officer recommendation:**

**“, including the following amendments to the LPP1.1 document:**

- 1. Under Definitions *Major Developments*, after the words;” not classed as a major development” insert the words; “, unless the amendment increases the number of dwellings or commercial floor space in the planning approval of a development such that the amended development would meet the definition of a major development”.**
- 2. At Clause 1.6.2 after the words; “assessment against relevant performance standards” insert the words; “and there has been no request to the CEO by an Elected Member to advertise or call-up the development application,”.**
- 3. At the end of Clause 1.7.4(f) insert the words: “or will be required if an Elected Member submits a request to the CEO for it to be advertised”.**
- 4. At Clause 1.7.5 after the words; “property owners or occupiers” insert the words; “or at the request to the CEO of an Elected Member”.**
- 5. Insert at the end of Clause 1.7.6(c); “or at the request of an Elected Member to the CEO”.**
- 6. At Clause 3.5.2(a)(ii) after the words; “in the opinion of the CEO or Director Urban Planning” insert the words; “or at the request to the CEO of an Elected Member”.**
- 7. At Clause 3.6.2 after the words; “at the discretion of the CEO” insert the words; “or at the request to the CEO of an Elected Member”.**
- 8. Insert the following new paragraph at the end of Clause 3.4:  
“The reasons for the refusal of the planning proposal without first being advertised must be notified in writing to the applicant. The applicant must also be notified in writing that, in addition to the right to lodge an application for review to the SAT under Clause 3.8.1 of this policy, the applicant also has a right to request the CEO to call up the refusal decision before Council for review.”**

**LATE ITEM P20/3840– REVIEW OF LOCAL PLANNING POLICY 1.1 ‘PLANNING PROCESS AND DECISION MAKING’ (REC) (ATTACHMENT)**

During the discussion and debate on the item, Cr Robins advised that meeting that she had proposed changes to the policy to fix typographical and numbering issues ([3840 changes proposed by Cr Robins](#)).

**Procedural Motion**

**COUNCIL RESOLUTION**

At 9:03pm Cr Robins moved, seconded Cr Mair –

**That Item P20/3840 – Review of Local Planning Policy 1.1 ‘Planning Process and Decision Making’ be deferred to the May 2019 Ordinary Meeting of Council with a Special Elected Member Information Session to be held prior to that meeting.**

At 9:06pm the Mayor declared the motion

**CARRIED (9/4)**

<b>Vote</b>	
Cr Fitzgerald	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Sandford	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Barber	No
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No

**15. EN BLOC ITEMS**

Nil.

Mr FitzGibbon of Melville submitted an electronic deputation with respect to Motion with Notice 16.1 – On-street Parking for New Developments: Clause 2.2 of the City of Melville Car Parking Strategy (2014). The electronic deputation was circulated to Elected Members and staff prior to the meeting. [Deputation Mr FitzGibbon](#)

Officers provided an Advice Note on this Item ([Car Park Advice Note](#))

## 16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### Disclosure of Interest

Officer	Steve Cope
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Resides in proximity to one of sites cited as an example in the information provided by Cr Sandford.
Request	Stay and Observe
Decision	Stay and Observe

### 16.1 On-Street Parking for New Developments: Clause 2.2 of the City of Melville Car Parking Strategy (2014)

#### COUNCIL RESOLUTION

At 9:08pm Cr Sandford moved, seconded Cr Mair –

The following Clause 2.2 of the City of Melville Car Parking Strategy (2014) be amended in accordance with the tracked changes contained below:

**“2.2 On-Street Versus Off-Street Car Parking in Town Centres and Activity Centres It is significantly cheaper to provide on-street car parking compared with off-street car parking as there are no land costs and construction costs are minimal. These respective estimated costs are shown in Table 1.**

**Each on-street car bay is estimated to be between \$46,500 and \$70,000 cheaper per car bay compared with providing a new off-street car bay. So the City could provide between 14 and 21 onstreet car bays for the same price as one off-street car bay.**

**On-street car parking also provides other benefits, such as:**

- More efficient use of land**
- Reduces development costs, particularly where land values are high such as in activity centres**
- Reducing vehicle speeds through so-called ‘edge friction’. Safety for vehicles can actually be increased when motorists perceive the driving risks to be higher than what the risks actually are (such as in busy town centres where there is a lot of activity)**
- Provides a solid barrier between pedestrians and passing traffic**

**It may not be possible to provide on-street parking in every context, ~~but where it is possible, onstreet parking should be prioritised~~**

**Where on-street parking is proposed, consideration of its suitability will include assessment against relevant road safety standards, including Austroads guidelines, and should be part of a package of features to help reduce speed, that includes a street-type design.**

At 9:10pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

16.1 *On-Street Parking for New Developments: Clause 2.2 of the City of Melville Car Parking Strategy (2014), continued*

**Reason for the Motion as provided by Cr Sandford**

1. Road Safety on local government roads is an important function of Local Government. Given that more than 50 percent of fatal and serious injury accidents occur on Local Government roads, Austroads have recently prepared guidance for Local Governments, including The Austroads Safe System for Vulnerable Road Users, such as cyclists and pedestrians.
2. Clause 2.2 of the City of Melville Car Parking Strategy (2014) currently prioritises on-street parking, rather than off-street parking, but does not specifically reference the need for on-street parking to comply with Austroads or any other safety guidelines.
3. The Austroads Guide references an outstanding 2008 paper by Marshall, Garrick and Hansen '**Reassessing On-street Parking**' which, on page 51, refers to on-street parking in the context of activity and town centres. It states that: "*The provision of on-street parking is only one factor that helps to reduce speeds, but on-street parking by itself is not enough. In fact, on-street parking without the other supportive conditions may be counter-productive and result in extremely unsafe conditions. This suggests that for the best results in regard to creating low-speed conditions, on-street parking should be part of a package that includes a street-type design (i.e. raised curbs, small building setbacks, sidewalks, vegetated buffer strips, and no shoulders).*"
4. The proposed amendment to clause 2.2 makes it clearer that compliance with all applicable Austroads Guidelines and other road safety standards, and the existence of other supportive street design features, must first be demonstrated before on-street parking is approved; and removes the reference to on-street parking being a priority, as it should only be approved if there are other supportive road safety conditions in town centres and activity centres.

*At 9:10pm Ms Brosztl left the meeting and did not return.*

16. *Motions of Which Previous Notice has Been Given, continued.*

## **16.2 Notification of Council Motion C20/6176**

At 9:10pm Cr Kepert moved, seconded Cr Wheatland –

**The Council directs the CEO to write to Federal Government representatives notifying them of motion C20/6176, Melville Community Stimulus Package moved by Council at the Special Meeting of Council held on the 9<sup>th</sup> of April 2020 relating to the Council's support for subsidies for casual employees paid by the City. The representatives are to include:**

- **The Member for Tangney, the Hon Ben Morton MP**
- **The Federal Minister for Employment, Skills, Small and Family Business, the Hon Michaelia Cash MP**

At 9:17pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

### **Reasons for the Motion as provided by Cr Kepert**

At the Special Meeting of Council held via teleconference at the Special Meeting of Council on the 9<sup>th</sup> of April 2020 the Council approved, with amendments, motion C20/6176. It is important representatives of the Federal Government are notified of this outcome and the policies within.

The motion supported consideration of additional payments from the City to former casual employees. The Federal "JobKeeper" payment does not extend to casual workers, regardless of industry.

Under Australian industrial relations legislation, the *Fair Work Act (2009)*, casual employees are not entitled to benefits of full time and part time workers, including:

- Paid leave of any kind.
- Severance pay.
- A reason from an employer for the discontinuation of employment.

In Australia, casual employees are entitled to "a higher pay rate than equivalent full-time or part-time employees. This is called "casual loading" and is paid because they don't get benefits such as sick or annual leave (Fair Work Ombudsman, 2020)" as well as severance pay.

It is important that the appropriate decision makers of this issue, Federal Members of Parliament, are informed of the City's position in relation to casual employees.

Public sector employers, including the City of Melville, are not eligible for provisions contained in the Commonwealth's JobKeeper package, and this was confirmed by the Federal cabinet on 3<sup>rd</sup> April 2020.

**17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Nil.

**18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

That the meeting be closed to the public to permit discussion on confidential matters:

- Item P20/3846 – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road Mount Pleasant; and
- Item M20/5743 – Point Walter Golf Course Agreement

covered under section 5.23 (2) (c) and (e) of the *Local Government Act 1995*.

**COUNCIL RESOLUTION**

At 9:17pm Cr Mair moved, seconded Cr Barton –

**That the meeting be closed to the members of the public to allow for items deemed confidential as they contain information with regard to contracts that the City may enter into and information considered to be of commercial value to a person.in accordance with section 5.23(2)(c) and (e) of the *Local Government Act 1995*, to be discussed behind closed doors.**

At 9:17pm the Mayor declared the motion

**CARRIED (12/1)**

Vote	
Cr Barber	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Sandford	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Fitzgerald	No

*At 9:23pm Mayor adjourned the meeting.*

*At 9:31pm Mayor resumed the meeting.*

**CONFIDENTIAL ITEM – P20/3846 – GROUND LEASE REDEVELOPMENT PROPOSAL  
13 THE ESPLANADE AND 64 KISHORN ROAD MOUNT PLEASANT****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3846)                      APPROVAL**

At 9:31pm Cr Woodall moved, seconded Cr Mair –

**That the Council approves the advertising of the Business Plan for Major Land Transaction and Public Notice of Major Land Transaction for the proposed ground lease with Oryx Communities Australia Pty Ltd as per the requirements of Section 3.59 of the *Local Government Act 1995* and that this recommendation be made public upon resolution by the Council.**

At 9:31pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

*At 9:31pm Cr Pazolli returned to the meeting.*

**CONFIDENTIAL ITEM – M20/5743 – POINT WALTER GOLF COURSE AGREEMENT**

**The Officer Recommendation contained within the Confidential Report was, at 9:38pm, declared carried unanimously (13/0).**

**COUNCIL RESOLUTION**

At 9:39 pm Cr Wheatland moved, seconded Cr Barton-

**That the meeting comes out from behind closed doors.**

At 9:39pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

On the reopening of the meeting to the public, the Mayor advised of the outcome of:

- **Item P20/3846 – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road Mount Pleasant;**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3846) APPROVAL**

At 9:31pm Cr Woodall moved, seconded Cr Mair –

**That the Council approves the advertising of the Business Plan for Major Land Transaction and Public Notice of Major Land Transaction for the proposed ground lease with Oryx Communities Australia Pty Ltd as per the requirements of Section 3.59 of the *Local Government Act 1995* and that this recommendation be made public upon resolution by the Council.**

At 9:31pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

- **Item M20/5743 – Point Walter Golf Course Agreement**

That the officer recommendation was carried unanimously (13/0) and that the report and the resolutions would remain confidential until the Agreement has been executed and approved by the Minister

**19. CLOSURE**

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 9:39pm and conducted a roll call confirming the following Elected Members were still in attendance:

Mayor Honourable G Gear, Cr N Pazolli (Deputy Mayor), Cr S Kepert, Cr D Macphail, Cr N Robins, Cr C Robartson, Cr M Woodall, Cr J Barton, Cr K Mair Cr M Sandford, Cr T Fitzgerald, Cr K Wheatland, Cr G Barber.